

An Annotated Digital Catalogue: Part 1

compiled by: Sharon Hamby O'Connor and Mary Sarah Bilder
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To search the database click [here](#).

See notes on searching the database.

Access to the database is most easily obtained by using one of the search engines or clicking on one of the lists of contents given at the bottom of this page. There are many live links on this page (gray); they cannot be seen on some mobile devices but can be seen by hovering over them

In the century before the creation of the Supreme Court of the United States, the British Privy Council heard appeals from the 13 colonies that became the United States and from the other 'American' colonies in Canada and the Caribbean. This catalogue focuses on all currently known colonial cases appealed to the Privy Council from the future United States, a number totaling nearly one-third of the more than 800 heard from the Americas. For the appeals from the 13 colonies, the catalogue provides links to original documents in England and the United States. Most significantly, the site includes images of surviving briefs filed in 54 of these appeals. Known as 'printed cases', these briefs provide the 'reasons' for the appeals.

A preliminary catalogue of the appeals from Canada and from the Caribbean may be found in Part II of this website.

Current complementary international projects address previously unpublished Privy Council cases from a somewhat later period and colonial appeals from India and Australia.

The Privy Council today continues to hear appeals through its Judicial Committee.

There is a complete Introduction to the site. It contains, among other things, advice about how to navigate through the catalogue. Specific search options are available. The site also contains a set of useful lists and will soon contain a version of the catalogue in PDF.

The site also includes a Memorandum addressed to students and enthusiasts that offers advice on how to use the catalogue for developing a paper for a course or for advancing research in the field. Images of all the pages of Joseph H. Smith's *Appeals to the Privy Council from the American Plantations* are available on the site.

The project is part of a series of online publications of the Ames Foundation. Additional assistance was provided by Boston College Law School and Harvard Law School. Additional information about the project can be found in the attached essay (pdf).

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URL: <http://amesfoundation.law.harvard.edu/ColonialAppeals/index.php>
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Appeals to the Privy Council from the American Colonies

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Appeals to the Privy Council

Report No. 01_1699_01

Palmes and Hallam v [Winthrop]

Connecticut

Case Name Short Palmes and Hallam v [Winthrop]

Case Name Long Edward Palmes and John Hallam v [FitzJohn Winthrop, Richard Christopher and Samuel Fosdick]

Acts of the Privy Council, Colonial Series

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APC Citation v.2 [733] p.328 – 23 February 1699 – entry 1

CSP Citation XII no.119

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.302: PC 2/77/302

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APC Citation v.2 [733] p.328 – 9 March 1699 – entry 2

CSP Citation XII no.160

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.310–311: PC 2/77/310–311

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Colonial Courts

Unnamed

Participants

[Christopher, Richard]

[Fosdick, Samuel]

Hallam, John, merchant

Palmes, Edward, esquire

[Winthrop, FitzJohn]

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Related to other Privy Council appeals:

Hallam v Winthrop – Report No. 01_1699_02 (*APC*, v.2 [734] p.328)

Palmes v Winthrop – Report No. 01_1703_00 (*APC*, v.2 [913] p.453)

The appeals of Palmes and Hallam are related, arising predominately from a dispute about the will of John Liveen, stepfather of John and Nicholas Hallam. This case amounts to requests by Palmes and Hallam to require Connecticut to allow an appeal in its courts in a matter regarding the seizure of the ship *Liveen*, with further right to appeal to the King in Council if desired.

Hallam v Winthrop concerns the Hallam brothers' attempt to obtain the estate of John Liveen. Palmes v Winthrop continues Palmes's controversy regarding the *Liveen* and adds an appeal from a dispute related to his rights to a part of the estate of the late John Winthrop through Palmes's late wife Lucy, daughter of John Winthrop.

These appeals are noted particularly for the comment of the crown law officers that appeals lay to the King in Council as a right inherent in the crown.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Palmes and Hallam v Winthrop *et al*)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document

Notes about Document

All documents for this action are entered under Report No. 01_1703_00 (Palmes v Winthrop).

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Appeals to the Privy Council

Report No. 01_1699_02

Hallam v Winthrop

Connecticut

Case Name Short Hallam v Winthrop

Case Name Long John Hallam and Nicholas Hallam v John Fitz Winthrop and Edward Palmes

Acts of the Privy Council, Colonial Series

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APC Citation v.2 [734] p.328 – 9 February 1699 – entry 1

CSP Citation XII no.120

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.302: PC 2/77/302

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APC Citation v.2 [734] p.329 – 5 December 1700 – entry 2

CSP Citation XIII no. 974

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.109: PC 2/78/109

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APC Citation v.2 [734] p.329 – 12 June 1701 – entry 3

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.218: PC 2/78/218

[view](#)

APC Citation v.2 [734] p.329 – 12 February 1702 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.343–344: PC 2/78/343–344

[view](#)

APC Citation v.2 [734] p.329–330 – 18 March 1702– entry 5

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.39: PC 2/79/39

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APC Citation v.2 [734] p.330 – 2 December 1703 – entry 6

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.467: PC 2/79/467

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APC Citation v.2 [734] p.330 – 3 January 1704 – entry 7

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.489: PC 2/79/489

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APC Citation v.2 [734] p.330 – 9 January 1704 – entry 8

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.494: PC 2/79/494

[view](#)

Colonial Courts

General Assembly (address relating to the case)

Court of Assistants – 2 May 1700

Participants

Hallam, John (brother of Nicholas Hallam)

Hallam, Nicholas (brother of John Hallam)

Palmes, Edward

Winthrop, John Fitz (Fitzjohn)

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Confirmed

Notes

Related to other Privy Council appeals:

[Palmes and Hallam v \[Winthrop\] – Report No. 01_1699_01 \(APC, v.2 \[733\] p.328\)](#)

[Palmes v Winthrop – Report No. 01_1703_00 \(APC, v.2 \[913\] p.453\)](#)

The appeals of Palmes and Hallam are related, arising predominately from a dispute about the will of John Liveen, stepfather of John and Nicholas Hallam. Palmes and Hallam v [Winthrop] amounts to requests by Palmes and Hallam to require Connecticut to allow an appeal in its courts in a matter regarding the seizure of the ship *Liveen*, with further right to appeal to the King in Council if desired.

This case concerns the Hallam brothers' attempt to obtain the estate of John Liveen. Palmes v Winthrop continues Palmes's controversy regarding the *Liveen* and adds an appeal from a dispute related to his rights to a part of the estate of the late John Winthrop through Palmes's late wife Lucy, daughter of John Winthrop.

These appeals are noted particularly for the comment of the crown law officers that appeals lay to the King in Council as a right inherent in the crown.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Hallam v Winthrop and Palmes)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 01_1703_00

Palmes v Winthrop

Connecticut

Case Name Short Palmes v Winthrop

Case Name Long Edward Palmes v Fitzjohn Winthrop, Richard Christopher and Samuel Fosdick

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [913] p.453 – 17 December 1703 – entry 1

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.476: PC 2/79/476

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APC Citation v.2 [913] p.453 – 3 January 1704 – entry 2

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.489: PC 2/79/489

[view](#)

APC Citation v.2 [913] p.453 – 7 January 1704 – entry 3

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.496–497: PC 2/79/496–497

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APC Citation v.2 [913] p.453 – 10 January 1706 – entry 4

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.68–69: PC 2/81/68–69

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APC Citation v.2 [913] p.453 – 16 January 1706 – entry 5

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.71–72: PC 2/81/71–72

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APC Citation v.2 [913] p.453 – 14 February 1706 – entry 6

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.109: PC 2/81/109

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APC Citation v.2 [913] p.453–454 – 20 February 1706 – entry 7

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.111, 114–115: PC 2/81/111, 114–115

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APC Citation v.2 [913] p.454 – 8 April 1706 – entry 8

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.170: PC 2/81/170

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APC Citation v.2 [913] p.454 – 11 April 1706 – entry 9

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.174–175: PC 2/81/174–175

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APC Citation v.2 [913] p.454 – 13 March 1707 – entry 10

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.315: PC 2/81/315

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APC Citation v.2 [913] p.454 – 25 April 1707 – entry 11

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.350: PC 2/81/350

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APC Citation v.2 [913] p.454 – 29 April 1707 – entry 12

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.354–355: PC 2/81/354–355

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Colonial Courts

Court of Assistants – October 1699

Court of Assistants – May 1700

Participants

Christopher, Richard

Fosdick, Samuel

Palmes, Edward (widower of Lucy Winthrop Palmes)

Palmes, Lucy Winthrop (deceased wife of Edward Palmes and daughter of John Winthrop)

Winthrop, Fitzjohn, Governor of Connecticut

Winthrop, John (deceased father of Lucy Winthrop Palmes)

Vessels

Liveen (ship)

Description

Issue relating to the *Liveen* and dispute regarding the estate of John Winthrop

Disposition

Appeals regarding both judgments are dismissed.

Notes

Related to other Privy Council appeals:

Palmes and Hallam v [Winthrop] – Report No. 01_1699_01 (*APC*, v.2 [733] p.328)

Hallam v Winthrop – Report No. 01_1699_02 (*APC*, v.2 [734] p.328)

The appeals of Palmes and Hallam are related, arising predominately from a dispute about the will of John Liveen, stepfather of John and Nicholas Hallam. Palmes and Hallam v [Winthrop] amounts to requests by Palmes

and Hallam to require Connecticut to allow an appeal in its courts in a matter regarding the seizure of the ship *Liveen*, with further right to appeal to the King in Council if desired.

Hallam v Winthrop concerns the Hallam brothers’ attempt to obtain the estate of John Liveen. This case continues Palmes’s controversy regarding the *Liveen* and adds an appeal from a dispute related to his rights to a part of the estate of the late John Winthrop through Palmes’s late wife Lucy, daughter of John Winthrop.

These appeals are noted particularly for the comment of the crown law officers that appeals lay to the King in Council as a right inherent in the crown.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Petition of Edward Palmes that his appeals be admitted – 16 Dec. 1703 – PC 1/46/5	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [110] p.24	view_APC
TNA Document	Depositions re the Palmes appeal – 14 June 1705 – PC 1/46/7	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [133] p.37–38	view_APC
TNA Document	Petition for hearing – 10 Jan. 1706 – PC 1/46/8	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [140] p.40	view_APC
TNA Document	Committee report – 9 April 1706 (8 April in vol. 2 of <i>APC</i>) – PC 1/46/8	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [140] p.40	view_APC

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Appeals to the Privy Council

Report No. 01_1727_00

Winthrop v Lechmere

Connecticut

Case Name Short Winthrop v Lechmere

Case Name Long John Winthrop v Thomas and Ann Lechmere

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.3 [112] p.139 – 16 January 1727 – entry 1	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.297–298: PC 2/89/297–298	view
APC Citation	v.3 [112] p.139 – 8 February 1727 – entry 2	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.319: PC 2/89/319	view
APC Citation	v.3 [112] p.139 – 18 February 1727 – entry 3	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.330: PC 2/89/330	view
APC Citation	v.3 [112] p.139–140 – 18 February 1727 – entry 4	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.330–331: PC 2/89/330–331	view
APC Citation	v.3 [112] p.140 – 28 March 1727 – entry 5	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.338–339: PC 2/89/338–339	view
APC Citation	v.3 [112] p.140 – 13 May 1727 – entry 6	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.357–358: PC 2/89/357–358	view
APC Citation	v.3 [112] p.140 – 21 November 1727 – entry 7	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.186–187: PC 2/90/186–187	view
APC Citation	v.3 [112] p.140 – 16 December 1727 – entry 8	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.193: PC 2/90/193	view
APC Citation	v.3 [112] p.140–150 – 20 December 1727 – entry 9	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.195–202: PC 2/90/195–202	view
APC Citation	v.3 [112] p.150 – 13 February 1728 – entry 10	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.230–231: PC 2/90/230–231	view
APC Citation	v.3 [112] p.150 – 19 November 1728 – entry 11	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.390–391: PC 2/90/390–391	view
APC Citation	v.3 [112] p.150 – 27 November 1728 – entry 12	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.398: PC 2/90/398	view
APC Citation	v.3 [112] p.150 – 4 December 1728 – entry 13	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.404: PC 2/90/404	view
APC Citation	v.3 [112] p.151 – 4 December 1728 – entry 14	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.407: PC 2/90/407	view
APC Citation	v.3 [112] p.151 – 11 December 1728 – entry 15	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.411: PC 2/90/411	view

Colonial Courts

Court of Probates – county of New London – 21 February 1717/1718 – letters of administration of estate granted to Winthrop

Superior Court – judgments for Winthrop on multiple actions of Lechmere brought in July 1724

General Assembly – 1725 – Lechmere’s petition for relief and a new trial

Assembly – 1725 – order for a complete inventory of Wait Winthrop’s estate in Court of Probates

Court of Probates – 29 June 1725 – refusal to accept Winthrop’s inventory without real estate, from which judgment Winthrop appeals

Court of Probates – Lechmere brings suit to have administration of estate granted to him which, being stayed, leads Lechmere to appeal to Superior Court

Superior Court – 28 September 1725 – affirmance of action of Court of Probates and order for both real and personal property to be inventoried, from which Winthrop appeals for review to Superior Court

Superior Court – 22 March 1725/6 – affirmance of their judgment of 28 September 1725 and on Lechmere’s review grant of power of administration to Lechmere

Special Superior County Court – 29 April 1726 – approves Lechmere’s inventory of the estate

Assembly – 12 May 1726 – receipt of Lechmere’s petitions for right to sell land to pay debt of deceased

Governor – receipt of protest from Winthrop

Assembly – May 1726 – passage of an act empowering Lechmere to sell the land to pay the remaining debt and finding Winthrop in contempt

Superior Court – September 1726 – issuance of an order pursuant to the passing of the May Act of Assembly

allowing the sale of land

Participants

Dummer, Jeremiah (agent for Connecticut)

Latimore, Robert

Lechmere, Ann (Anne) (wife of Thomas Lechmere, sister of John Winthrop, daughter of the late Wait Winthrop, niece of the late Hon. Fitzjohn Winthrop, and granddaughter of the late Hon. John Winthrop)

Lechmere, Charles (agent for Thomas and Ann Lechmere)

Lechmere, Thomas of Boston, merchant (husband of Ann Lechmere)

Talcott, John, Governor

Wally, Abell

Winthrop, Hon. Fitzjohn, late Governor (deceased uncle of John Winthrop and Ann Winthrop Lechmere)

Winthrop, Hon. John, late Governor (deceased grandfather of John Winthrop and Ann Winthrop Lechmere)

Winthrop, John of New London (brother of Ann Lechmere, son of the late Wait Winthrop, nephew of the late Hon. Fitzjohn Winthrop, and grandson of the late Hon. John Winthrop)

Winthrop, Major-General Wait of Boston (deceased father of John Winthrop and Ann Winthrop Lechmere)

Description

Land dispute between a brother and sister following the death of their father intestate. As Smith describes, at issue was the validity of the 1699 Connecticut Act for the Settlement of Intestate Estates, which, contrary to English practice, divided real and personal property in equal shares among the intestate's children with the eldest son receiving a double share.

Disposition

Colonial "Act for the Settlement of Intestate Estates declared null and void as contrary to the laws of England in regard it makes Lands of Inheritance distributable as personal Estates"

Sentences of 29 June 1725, 28 September 1725, and 22 March 1725/6 reversed. Court of Probates directed not to reject an inventory without real property. Letters of administration for Lechmere vacated and order of 29 April 1726 approving his inventory to be discharged and the original letters of administration granted to Winthrop to be ordered to stand. Lechmere suit dismissed and all acts under these proceedings to be declared null and void, including court order of 27 September 1726. Winthrop to be put in possession of any lands lost, with rents and profits foregone and costs paid by petitioner repaid.

Notes

According to Smith (p.537), "the only instance we have seen of a colonial act specifically declared null and void *ab initio* upon judicial review by the King in Council." Washburne, *Imperial Control*, p.184, notes that three appeals are usually cited as involving the validity of colonial legislative enactments: Winthrop v Lechmere, Philips v Savage, and Clark v Towsey. The importance of this case warrants its more detailed exposition here.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Winthrop v Lechmere) (extensive discussion)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Complaint of J. Winthrop – his petition – 8 Feb. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.173–178	view_APC
TNA Document	Complaint of J. Winthrop – his petition (typed copy) – 8 Feb. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.173–178; this typewritten copy of the petition has been added to the bundle.	view_APC
TNA Document	Order of reference – 8 Feb. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.173–178	view_APC
TNA Document	Committee report for a copy of the petition to be sent to the Governor for his answer – 18 Feb. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.178	view_APC
TNA Document	Governor Talcott's answer (copy 1) – 19 Sept. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.178–181	view_APC
TNA Document	Governor Talcott's answer (copy 2) – 19 Sept. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.178–181	view_APC
TNA Document	Enclosure with Governor Talcott's answer (copy 1) – 19 Sept. 1727 (certification date) – PC 1/48/23	view_Document

Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.178–181	view_APC
TNA Document	Enclosure with Governor Talcott’s answer (copy 2) – 19 Sept. 1727 (certification date) – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> v.6 [367] p.178–181	view_APC
TNA Document	Letters of 23 Feb. 1698 and 24 Apr. 1699 (copy 1) – 19 Sept. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.181	view_APC
TNA Document	Letters of 23 Feb. 1698 and 24 Apr. 1699 (copy 2) – 19 Sept. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.181	view_APC
TNA Document	Paragraph in a Connecticut law re houses and land to heirs (copy 1) – 19 Sept. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.181	view_APC
TNA Document	Paragraph in a Connecticut law re houses and land to heirs (copy 2) – 19 Sept. 1727 – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.181	view_APC
TNA Document	Order referring Governor’s answer to the Committee – 4 Dec. 1727 (Dorse says Dec. 4, 1728) – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.181	view_APC
TNA Document	List of papers re Winthrop’s complaint – no date – PC 1/48/23	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [367] p.181	view_APC
TNA Document	Complaint of J. Winthrop – extracts from the record of the colony authenticated by the Governor – 16 July 1728 – PC 1/48/24	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [410] p.200	view_APC
TNA Document	Law for dividing the estates of intestates – Board of Trade report on the petition of J. Belcher and J. Dummer – 31 Dec. 1730 – PC 1/48/26	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [431] p.215–216	view_APC
TNA Document	Law of inheritance in case of intestacy – 6 Feb. 1731 – PC 1/48/27	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6, [431] p.216	view_APC
Other Documents		
Other Documents	Winthrop’s printed case was written on 13 folios of 2 foolscap pages each. It was transcribed and printed at the end of the 19th century but the original cannot be located at present.	
Other Documents	Printed in the <i>Collections of the Massachusetts Historical Society</i> (1892) under the general heading ‘Winthrop, “Brief”’ are:	
	(1) the brief of the appellant (p.440–496),	view
	(2) the decree of the King in Council (p.496–509), and	view
	(3) correspondence from Winthrop (p.509–511).	
	Editors’ notes indicate that they were unable to find a copy of the respondent’s case, for whom they say the counsel were Willes (probably Sir John) and Booth, whom they could not further identify.	view
Other Documents	See also the Appendix (p.571–579) to Hoadley, <i>Connecticut Public Records 1726–1735</i> , for the text of the Order in Council.	
view this report for printing		

Appeals to the Privy Council

Report No. 01_1737_01

Wheeler v Levenworth

Connecticut

Case Name Short Wheeler v Levenworth

Case Name Long Robert Wheeler v Thomas Levenworth

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [421] p.580 – 29 November 1737 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.310: PC 2/94/310

[view](#)

APC Citation v.3 [421] p.580 – 15 December 1737 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.338–339: PC 2/94/338–339

[view](#)

APC Citation v.3 [421] p.580 – 12 January 1738 – entry 3

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.366: PC 2/94/366

[view](#)

Colonial Courts

General Assembly – 27 August 1734

Participants

Levenworth, Thomas

Wheeler, Robert

Description

Land

Disposition

Not stated in *Acts of the Privy Council, Colonial Series* though not prosecuted according to Smith (p.643)

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Wheeler v Levenworth)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 01_1737_02

Clark v Towsey

Connecticut

Case Name Short Clark v Towsey

Case Name Long Samuel Clark v Thomas and Hannah Towsey (and against Thomas Towsey as guardian to John Clark), Thomas Clark (and as guardian to Gamaliel Clerk) and Richard Bryon (as guardian to children of late wife Mehitabell)

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [422] p.580 – 29 November 1737 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.310–311: PC 2/94/310–311

[view](#)

APC Citation v.3 [422] p.580 – 25 May 1738 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.343, 521–522, 544: PC 2/94/343 521–522, 544

[view](#)

APC Citation v.3 [422] p.581 – 1 April 1742 – entry 3

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.120: PC 2/97/120

[view](#)

APC Citation v.3 [422] p.581 – 17 May 1742 – entry 4

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.125–126, 137: PC 2/97/125–126, 137

[view](#)

APC Citation v.3 [422] p.581 – 24 June 1742 – entry 5

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.166, 175–176: PC 2/97/166, 175–176

[view](#)

APC Citation v.3 [422] p.581 – 2 June 1743 – entry 6

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.429: PC 2/97/429

[view](#)

APC Citation v.3 [422] p.581 – 18 July 1745 – entry 7

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.133[*bis*], 144–145, 166: PC 2/99/133[*bis*], 144–145, 166

[view](#)

PC Register Note There are 2 pages numbered ‘133’ in PC 2/99; the 2nd is the relevant one.

Colonial Courts

[Court of Probates – February 28, 1728]

Superior Court – first Tuesday of March 1733

Superior Court – 17 February 1741

Participants

Bryon, Mehitabell (deceased wife of Richard Bryon)

Bryon, Richard (widower of Mehitabell Bryon and guardian of her children)

Clark (Clerk), Gamaliel, infant

Clark (Clerk), John, infant

Clark (Clerk), Samuel, esquire (deceased [father of Samuel Clark])

Clark (Clerk), Samuel, esquire ([son of deceased Samuel Clark])

Clark (Clerk), Thomas (guardian of Gamaliel Clerk)

Towsey, Hannah (wife of Thomas Towsey)

Towsey, Thomas, esquire (husband of Hannah Towsey and guardian of John Clark, also spelled ‘Clerk’)

Description

Division of real estate of Samuel Clark, deceased

Disposition

Dismissed

Notes

A common alternate spelling for ‘Towsey’, not used in the *APC*, is ‘Tousey’. This case is often discussed with *Winthrop v Lechmere* and *Philips v Savage* as to their treatment of the division of an intestate’s property in the colonies and the degree to which colonial legislation was subject to review.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Clark v Tousey)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 01_1756_00

Danielson v Throop
Danielson v Fish

Connecticut

Case Name Short Danielson v Throop
Danielson v Fish

Case Name Long Samuel Danielson and Nathan West v Dan Throop and Caleb and Irena Hide
Samuel Danielson and Nathan West v Aaron Fish

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [302] p.325 – 27 January 1756 – entry 1

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.16–17: PC 2/105/16–17 [view](#)

APC Citation v.4 [302] p.325 – 3 August 1764 – entry 2

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.587–589, 602–603: PC 2/110/587–589, 602–603 [view](#)

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.263–264, 281–282: PC 2/111/263–264, 281–282 [view](#)

Colonial Courts

Unnamed – August 1753
Unnamed – December 1753
Unnamed – 19 March 1754

Participants

Danielson, James (deceased brother of Samuel Danielson)
Danielson, Samuel, esquire (brother of James Danielson)
Eyre, Francis of Surrey Street in the Strand
Fish, Aaron
Hide, Caleb ('pretended' executor of James Danielson)
Hide, Irena ('pretended' executor of James Danielson)
Throop, Dan ('pretended' executor of James Danielson)
West, Nathan (lessee of Samuel Danielson)

Description

One action of account (Throop) and one of disseisin for 90 acres of land in Lebanon (Fish)

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Order referring the petition of Samuel Danielson (Fish) – 27 Jan.1756 – PC 1/59/5/2	view_Document
Catalogued as	Catalogued by TNA: (Fish) Order of 27 Jan. 1756 referring to a committee the petition of Samuel Danielson and Nathan West asking to be admitted to an appeal against Aaron Fish from Connecticut: 27 July 1764 read at committee and reported.	
TNA Document	Order referring the petition of Samuel Danielson (Throop) – 27 Jan.1756 – PC 1/59/5/2	view_Document
Catalogued as	Catalogued by TNA: (Throop) Order of 27 Jan. 1756 referring to a committee the petition of Samuel Danielson asking to be admitted to an appeal against Daniel Throop and others from Connecticut: 27 July 1764 read at committee and reported.	
TNA Document	Committee report (Fish) – 27 July 1764 – PC 1/50/52	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [618] p.371	view_APC
TNA Document	Committee report (Throop) – 27 July 1764 – PC 1/50/52	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [618] p.371	view_APC

[view this report for printing](#)

Appeals to the Privy Council

Report No. 01_1765_00

Appeal of Whittlesey

Connecticut

Case Name Short Whittlesey, appeal of

Not a 'true' appeal.

Case Name Long Elisha Whittlesey, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [614] p.727 – 10 July 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.262: PC 2/111/262

[view](#)

Colonial Courts

General Assembly – May 1763 (resolution)

Participants

Pierpoint, Jacob

Whittlesey, Elisha

Description

Land

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

According to Smith (p.643), this attempt to appeal from a *legislative* resolution was refused.

Additional Sources

The details of the action regarding agreements between Whittlesey and Jacob Pierpoint, deceased, being contested in Connecticut by Jacob's brother, John, can be found in Hoadley, *Connecticut Public Records 1762–1767*, May 1763, p.154–156.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 02_1774_00

Finney v Bickerton
Finney v Byrne

Delaware

Case Name Short Finney v Bickerton
Finney v Byrne

Case Name Long David, Robert, Elizabeth and Ann Dorothy Finney v Henry Bickerton et al
David, Robert, Elizabeth and Ann Dorothy Finney v James Byrne et al

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [306] p.402–403 – 28 October 1774 – entry 1

PC Register Citation George III v.11 (May 1774 – May 1775) p.237: PC 2/118/237

[view](#)

Colonial Courts

Supreme Court for the Delaware counties – April term 1773

Participants

Bickerton, Henry
Byrne, James
Finney, Ann Dorothy
Finney, David
Finney, Elizabeth
Finney, Robert
Martin, Mary (deceased widow of Patrick Martin)
Martin, Patrick (deceased husband of Mary Martin)

Description

Land dispute among possible heirs with respondents Byrne, et al., according to Smith, claiming “as brothers and sisters of the half-blood of the intestate by virtue of a colonial act which was contrary to the common law and had not received royal approbation,” attempting to advance Winthrop v Lechmere as applicable.

Disposition

Finney v Byrne was never argued due to the Revolutionary War, according to Smith (p.653).

Notes

During this period the lower Delaware counties were in fact a part of the colony of Pennsylvania, but they retained a fair amount of autonomy, including their own Supreme Court.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Finney v Byrne)

Additional Sources

The American Philosophical Society holds a manuscript copy of the appellant’s printed case. Also note that two letters from David Finney to Benjamin Franklin can be found in the [Franklin Papers](#). The letter dated February 27, 1774 describes Finney’s request for Franklin’s assistance in proceeding with the appeal. The letter of July 10, 1781, long after the Declaration of Independence and as the Revolutionary War was still being waged, concerns Finney’s attempt to learn if a judgment was ever given by the Privy Council. An opinion of Richard Jackson on the Finney case rendered in May 1774 is also referenced as being included in the Franklin Papers.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No.

Case Name Short

Case Name Long

Acts of the Privy Council, Colonial Series

Colonial Courts

Participants

Description

Disposition

DOCUMENTATION

Printed Cases

Privy Council Documents in PC 1 at The National Archives at Kew

[view this report for printing](#)

Appeals to the Privy Council

Report No. 03_1751_00

Davis v Powell

Georgia

Case Name Short Davis v Powell

Case Name Long Caleb Davis v James Edward Powell

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [150] p.128 – 4 June 1751 – entry 1

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.245–246: PC 2/102/245–246

[view](#)

APC Citation v.4 [150] p.128 – 12 July 1751 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.259–260, 276: PC 2/102/259–260, 276

[view](#)

APC Citation v.4 [150] p.128–130 – 20 December 1752 – entry 3

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.278, 281: PC 2/102/278, 281

[view](#)

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.161, 165, 207–209, 259: PC 2/103/161, 165, 207–209, 259

[view](#)

Colonial Courts

Court of Savannah – 21 February 1749

Participants

Bradley, William, esquire, of Michelham in Surrey

Davis, Caleb, gentleman, of Lambeth in Surrey (late commander of the guard schooner *Walker*)

Heron, Lieut. Col. Alexander (Lieutenant Colonel of a regiment in Georgia after the discharge of Major Horton)

Horton, Maj. William (commanding officer at Georgia in 1745)

Oglethorpe, Lieutenant General

Powell, James Edward of Christchurch parish in South Carolina (owner of the *Murray*)

Wall, James, gentleman, of Lambeth

Vessels

Murray

Walker (guard schooner)

Description

Prize dispute

Disposition

Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Davis v Powell)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 03_1755_00

Demere v Davis

Georgia

Case Name Short Demere v Davis

Case Name Long Raymond Demere v Caleb Davis

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [265] p.286–287 – 27 March 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.363: PC 2/104/363

[view](#)

Colonial Courts

Court in Savannah – 7 July 1749

Participants

Davis, Caleb

Demere, Raymond, esquire, of Frederica

Vessels

Duke of Cumberland

Heron

Description

Dispute over Demere’s refusal to allow two ships to proceed on their voyages

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1694_00

Appeal of Rawstone

Maryland

Case Name Short Rawstone, appeal of

Not a ‘true’ appeal.

Case Name Long Richard Rawstone, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [533] p.263 – 22 January 1694 – entry 1

CSP Citation IX no. 832

PC Register Citation William III v.3 (1 October 1692 – 29 November 1694) p.321: PC 2/75/321

[view](#)

Colonial Courts

No colonial court decision was appealed for the Privy Council to review. See Notes.

Participants

Rawstone, Richard

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

See Labaree, *Royal Instructions 1670–1776*, p.354, and the entry in the *CSP* for details of Rawstone’s request to have his complaint reheard in Maryland, rather than by the Privy Council, with liberty to sue Henry Darnall and Nicholas Seawell for losses and damages sustained.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1707_00

Taylor v Jones

Maryland

Case Name Short Taylor v Jones

Case Name Long John Taylor v Ann Jones and Thomas Gassaway

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1019] p.516–517 – 20 March 1707 – entry 1

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.324: PC 2/81/324

[view](#)

APC Citation v.2 [1019] p.517 – 25 April 1707 – entry 2

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.350: PC 2/81/350

[view](#)

APC Citation v.2 [1019] p.517 – 29 April 1707 – entry 3

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.356: PC 2/81/356

[view](#)

Colonial Courts

Provincial Court of Maryland

Participants

Gassaway, Nicholas, deceased

Gassaway, Thomas (executor of Nicholas Gassaway)

Jones, Ann (executor of Nicholas Gassaway)

Taylor, John, merchant, of London

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in the *APC*, though Smith (p.280) says that the appeal never came before the Council.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Taylor v Jones)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1711_00

Macnamara v *Rex*

Maryland

Case Name Short Macnamara v *Rex*

Case Name Long Thomas Macnamara v *Rex*

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1146] p.653 – 23 June 1711 – entry 1

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.256: PC 2/83/256

[view](#)

APC Citation v.2.[1146] p.653 – 5 July 1711 – entry 2

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.265–266: PC 2/83/265–266

[view](#)

APC Citation v.2 [1146] p.653–654 – 16 August 1711 – entry 3

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.288: PC 2/83/288

[view](#)

APC Citation v.2 [1146] p.654 – 3 September 1711 – entry 4

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.295–296: PC 2/83/295–296

[view](#)

Colonial Courts

Provincial Court of Maryland

Participants

Macnamara, Thomas, attorney, of Annapolis
Rex

Description

Request to be restored to status of attorney following a conviction of homicide by chance medley.

Disposition

Reversed on writ of error to the Court of Appeals, removing further need for conciliar intervention, according to Smith (p.242)

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (*Rex* v Macnemara)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Attorney General's report – July 1711 – PC 1/58/1

[view_Document](#)

Catalogued as Catalogued by TNA: Attorney General's report concerning the case of Thomas Macnamara, burnt in the hand for homicide

Notes about Document Viewed at TNA in Conservation due to its poor condition (2009)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1720_00

Forward v Poulson (later Hunt)

Maryland

Case Name Short Forward v Poulson (later Hunt)

Case Name Long Jonathan Forward v Gilbert Poulson (later William Hunt)

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.2 [1339] p.781 – 26 July 1720 – entry 1	
PC Register Citation	George I v.2 (2 March 1717 – 25 August 1720) p.454: PC 2/86/454	view
APC Citation	v.2 [1339] p.781 – 2 August 1720 – entry 2	
PC Register Citation	George I v.2 (2 March 1717 – 25 August 1720) p.459: PC 2/86/459	view
APC Citation	v.2 [1339] p.781 – 4 August 1720 – entry 3	
PC Register Citation	George I v.2 (2 March 1717 – 25 August 1720) p.463–464: PC 2/86/463–464	view
APC Citation	v.2 [1339] p.781 – 21 February 1724 – entry 4	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.481: PC 2/88/481	view
APC Citation	v.2 [1339] p.781–782 – 21 February 1724 – entry 5	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.481: PC 2/88/481	view
APC Citation	v.2 [1339] p.782 – 17 April 1724 – entry 6	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.499: PC 2/88/499	view
APC Citation	v.2 [1339] p.782 – 30 April 1724 – entry 7	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.509–510: PC 2/88/509–510	view
APC Citation	v.2 [1339] p.782 – 21 May 1724 – entry 8	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.530: PC 2/88/530	view
APC Citation	v.2 [1339] p.782 – 12 June 1724 – entry 9	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.535: PC 2/88/535	view
APC Citation	v.2 [1339] p.782–783 – 24 June 1724 – entry 10	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.540–541: PC 2/88/540–541	view
APC Citation	v.2 [1339] p.783 – 4 July 1724 – entry 11	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.563: PC 2/88/563	view
APC Citation	v.2 [1339] p.783 – 12 April 1725 – entry 12	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.49: PC 2/89/49	view
APC Citation	v.2 [1339] p.783 – 1 June 1725 – entry 13	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.73–74: PC 2/89/73–74	view
APC Citation	v.2 [1339] p.783–784 – 4 November 1725 – entry 14	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.121–122: PC 2/89/121–122	view
APC Citation	v.2 [1339] p.784 – 24 June 1726 – entry 15	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.240–241: PC 2/89/240–241	view
APC Citation	v.2 [1339] p.784 – 24 June 1726 – entry 16	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.241: PC 2/89/241–243	view
APC Citation	v.2 [1339] p.784 – 5 July 1726 – entry 17	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.251, 252: PC 2/89/251, 252	view
APC Citation	v.2 [1339] p.784–785 – 10 January 1728 – entry 18	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.207: PC 2/90/207	view
APC Citation	v.2 [1339] p.785 – 6 June 1728 – entry 19	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.308: PC 2/90/308	view
APC Citation	v.2 [1339] p.785 – 29 March 1729 – entry 20	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.472–474: PC 2/90/472–474	view
APC Citation	v.2 [1339] p.785 – 10 April 1729 – entry 21	
PC Register Citation	George II v.1 (14 June 1727 – 22 May 1729) p.475–476: PC 2/90/475–476	view

Colonial Courts

Vice Admiralty Court – date of proceedings not stated

Provincial Court – 20 September 1720

Maryland Court of Appeals and Errors – 7 May 1723

Court of Errors – 2 June 1726 (4 judgments in favor of Thomas Boardley)

Participants

Baltimore, Lord

Boardley (Bordley), Thomas (attorney, later deceased, for Gilbert Poulson)

Calvert, Charles, Deputy Governor of Maryland

Cockey, Thomas

Forward, Jonathan, merchant, of London

Gordon, Robert

Hunt, William, merchant, of London (executor for Thomas Boardley, who dies during proceedings)

Poulson, Gilbert, master of the *Dolphin*

Rogers, Mary (wife of William Rogers)

Rogers, William (husband of Mary Rogers)

Young, Samuel, Judge of the Admiralty Court of Maryland

Vessels

Dolphin (ship)

Description

Charter party dispute

Disposition

Reversed

Notes

Thomas Boardley (Bordley), the attorney for Poulson, dies during the proceedings. The appeal is revived against Boardley's executor, William Hunt.

This is an extraordinarily complex litigation. It is understood only in part with the information from the *APC*. A detailed explanation, along with transcription of colonial court documents, can be found in Bond, *Maryland Court of Appeals 1696–1729*.

The printed case of the respondent in Forward is the only printed case located to date that is not signed. Subsequent to Forward, by order of March 10, 1731 (*APC*, v.3 [228] p.310), printed cases delivered to the Privy Council had to be signed by counsel.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Forward v Poulson)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Forward)	
	Note	Not found
Respondent's case	Case of the respondent (Hunt)	
	Counsel	Not signed.
	Library	Maryland Historical Society: Special Collections Reading Room – Rare Broadside 14 view
Privy Council Documents in PC 1 at The National Archives at Kew		
TNA Document	Case of J. Forward, contractor for transporting felons. Two copies of Forward's petition, one fuller than the other (the fuller copy) – Received 29 Oct. 1725 – PC 1/48/21	view_Document
	Notes about Document	view_APC
TNA Document	Case of J. Forward, contractor for transporting felons. Two copies of Forward's petition, one fuller than the other (the shorter copy) – Received 29 Oct. 1725 – PC 1/48/21	view_Document
	Notes about Document	view_APC
TNA Document	Order of reference – 4 Nov. 1725 – PC 1/48/21	view_Document
	Notes about Document	view_APC
TNA Document	Petition of Forward, etc. – Read 10 Jan. 1728 – PC 1/48/24	view_Document
	Notes about Document	view_APC
TNA Document	Committee report – 29 Mar. 1729 – PC 1/48/25	view_Document
	Notes about Document	view_APC

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Appeals to the Privy Council

Report No. 04_1723_00

Brown v Boardley

Maryland

Case Name Short Brown v Boardley

Case Name Long Joseph Brown v Thomas Boardley

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [54] p.60 – 14 November 1723 – entry 1

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.356: PC 2/88/356

[view](#)

APC Citation v.3 [54] p.60] – 22 January 1724 – entry 2

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.470: PC 2/88/470

[view](#)

APC Citation v.3 [54] p.60 – 28 February 1724 – entry 3

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.483–484: PC 2/88/483–484

[view](#)

APC Citation v.3 [54] p.60] – 9 March 1724 – entry 4

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.490: PC 2/88/490

[view](#)

Colonial Courts

Provincial Court of Maryland

Participants

Baltimore, Lord

Boardley, Thomas

Brown, Joseph

Description

Subject matter not stated in the *APC*. A judgment for £500 sterling had been entered.

Disposition

Brown admitted to bring his writ of error to Maryland Court of Appeals. Washburne, *Imperial Control*, p.79, notes that Brown had attempted to appeal over the heads of the higher courts of Maryland, a procedural irregularity that the Privy Council generally disallowed.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Brown v Bordley)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document

Petition of Brown. Lord Baltimore's letter for a copy of the petition of Brown – 28 Dec. 1723 – PC 1/47/19

[view_Document](#)

Notes about
Document

Referenced in *APC*, v.6 [324] p.139

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1730_01

Macnamara v Brooke

Maryland

Case Name Short Macnamara v Brooke

Case Name Long Michael Macnamara v Thomas Brooke

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [215] p.285–286 – 11 June 1730 – entry 1

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.248: PC 2/91/248

[view](#)

APC Citation v.3 [215] p.286 – 23 November 1730 – entry 2

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.296: PC 2/91/296

[view](#)

APC Citation v.3 [215] p.286 – 14 December 1730 – entry 3

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.301, 351: PC 2/91/301, 351

[view](#)

APC Citation v.3 [215] p.286 – 11 May 1731 – entry 4

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.375 *recte* 374–375, 386–387: PC 2/91/375 *recte* 374–375, 386–387

[view](#)

Colonial Courts

Provincial Court – 21 May 1728

Court of Appeals and Errors – 15 May 1729

High Court of Appeals held by the Governor and Council – 24 May 1729

Participants

Brooke, Thomas

Macnamara, Michael of Ann Arundel County (son of Thomas Macnamara)

Macnamara, Thomas (deceased father of Michael Macnamara)

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (MacNamara v Brooke)

Additional Sources

See the report on the colonial court proceedings in Harris, *Maryland Reports*, under the name Macnemara ats [sic] Brooke.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1730_02

Nelson v Beale

Maryland

Case Name Short Nelson v Beale

Case Name Long Thomas Nelson v John Beale

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [216] p.286 – 11 June 1730 – entry 1

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.248: PC 2/91/248

[view](#)

APC Citation v.3 [216] p.286 – 20 June 1737 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.240–241: PC 2/94/240–241

[view](#)

APC Citation v.3 [216] p.286 – 25 June 1737 – entry 3

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.242: PC 2/94/242

[view](#)

APC Citation v.3 [216] p.287 – 1 July 1737 – entry 4

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.244: PC 2/94/244

[view](#)

APC Citation v.3 [216] p.287 – 21 July 1737 – entry 5

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.261: PC 2/94/261

[view](#)

Colonial Courts

Provincial Court – 18 October 1726

Court of Appeals and Errors – 6 February 1729

Participants

Beale, John

Digges, John

Nelson, Thomas (lessee of John Digges)

Description

Land

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Nelson v Beale)

Additional Sources

See the report on the colonial court proceedings in Harris, *Maryland Reports*, under the name Digges's Lessee v Beale.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1735_00

Appeal of Collins

Maryland

Case Name Short Collins, appeal of

Case Name Long John Collins, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [361] p.485 – 6 November 1735 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.251: PC 2/93/251

[view](#)

Colonial Courts

Vice Admiralty Court in Maryland – 31 July 1734

Participants

Collins, John, of Newbury in New England, master of the *Patuxent*, of Newbury

Ogle, Governor

Rousby, John, Collector of the Customs

Vessels

Patuxent of Newbury (sloop)

Description

Forfeiture of vessel and goods

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Samuel Ogle is Governor of Maryland.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1738_01

Jennings v Cuming

Maryland

Case Name Short Jennings v Cuming

Case Name Long Edmund Jennings and John Gallaway v William Cuming Executor of Thomas Facer and Achsah Woodward Administrator *de bonis non* of Amos Garret

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [455] p.619–620 – 30 November 1738 – entry 1

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.46: PC 2/95/46

[view](#)

APC Citation v.3 [455] p.620 – 6 September 1739 – entry 2

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.301–302, 340–341: PC 2/95/301–302, 340–341

[view](#)

Colonial Courts

Commissary General and Judge for the Probate of Wills – 30 August 1737

Court of Delegates – 25 October 1737

Participants

Cuming, William, esquire (executor of Thomas Facer)

Facer, Thomas, presumed deceased

Gallaway, John (attorney for William Woodward and Mary Holmes)

Garret, Amos, merchant, of Annapolis (deceased brother of Mary Woodward and Elizabeth Gwin)

Gwin, Elizabeth (deceased sister of Mary Woodward and Amos Garret)

Holmes, Mary (executor of Mary Woodward)

Jennings, Edmund, esquire (attorney for William Woodward and Mary Holmes)

Rudd, Sayer (executor of Elizabeth Gwin)

Seely, Edmund, gentleman (executor of Elizabeth Gwin)

Woodward, Achsah (administrator *de bonis non* of Amos Garret)

Woodward, Mary (deceased sister of Amos Garret and Elizabeth Gwin)

Woodward, William (executor of Mary Woodward)

Description

Validity of will of Amos Garret

Disposition

Dismissed for non-prosecution

Notes

Elizabeth Gwin was the sister of Amos Garret and Mary Woodward. (Skinner, *Maryland Testamentary Abstracts 1736–1739*, p.67) That relationship is noted in Participants. Her surname is spelled ‘Gwin’ in the *APC* and ‘Ginn’ in the *Abstracts*.

The *APC* is ambiguous as to whom Jennings and Gallaway were attorneys for. The *Abstracts* suggest that they were attorneys-in-fact for Woodward and Holmes as executors, Woodward and Holmes in their own names, and Rudd and Seely as executors, i.e., that they collectively represented all three pairs of parties against Cuming. The *APC* refers to ‘attorney’; however, the *Abstracts* refer to ‘attorney-in-fact’.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Jennings v Cumming)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1738_02

Carroll v Parran

Maryland

Case Name Short Carroll v Parran

Case Name Long Charles Carroll v Mary Parran and John Parran

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [456] p.620 – 30 November 1738 – entry 1

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.47: PC 2/95/47

[view](#)

APC Citation v.3 [456] p.620 – 27 December 1739 – entry 2

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.264, 335, 432, 445–450, 492: PC 2/95/264, 335, 432, 445–450, 492

[view](#)

Colonial Courts

Maryland Court of Chancery – 20 October 1731 and subsequent explanatory orders

Issuing body unnamed – Order of Dismission – 17 February 1735

High Court of Appeals – 17 May 1737

Participants

Carroll, Charles (deceased father of Charles Carroll)

Carroll, Charles, esquire, of Annapolis (son and surviving executor of Charles Carroll)

Carroll, Daniel (deceased executor of Charles Carroll)

Parran, Alexander (deceased husband of Mary Parran and father of John Parran)

Parran, John (son of Alexander Parran)

Parran, Mary (widow and administratrix of Alexander Parran)

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Affirmed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1739_00

Tasker v Simpson

Maryland

Case Name Short Tasker v Simpson

Case Name Long Benjamin Tasker v John Simpson on the demise of William Brent

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [476] p.645 – 27 September 1739 – entry 1

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.351: PC 2/95/351

[view](#)

APC Citation v.3 [476] p.645–646 – 31 January 1740 – entry 2

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.356, 527–530, 542: PC 2/95/356, 527–530, 542

[view](#)

Colonial Courts

Provincial Court – 18 October 1737

High Court of Appeals – 24 November 1738

Participants

Bennet, James

Brent, Giles (deceased father of Mary Fitzherbert and brother of Margaret Brent)

Brent, Margaret (deceased sister of Giles Brent and aunt of Mary Fitzherbert)

Brent, William (descendent of Giles Brent)

Fitzherbert, John (husband of Mary Fitzherbert)

Fitzherbert, Mary Brent (niece of Margaret Brent, daughter of Giles Brent and wife of John Fitzherbert)

Lynes (Lines), Philip

Moy, Ann (wife of Daniel Moy)

Moy, Daniel (husband of Ann Moy)

Moy, Richard

Simpson, John

Tasker, Benjamin, esquire

Description

Land dispute (trespass and ejectment) over 1000 acres in Queens County from a grant by the Lord Proprietary of Maryland in 1640

Disposition

Dismissed

Notes

The lease of William Brent to John Simpson is probably real. The Committee report describes William’s side of the Brent family as being resident in England and Virginia. The report also leaves little doubt that the underlying issue in the case is William’s claim to ownership of the premises. On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

Washburne, *Imperial Control*, p.98–99, notes this appeal as an example of the difficulties arising from conflicting claims from very early land grants.

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Tasker)	ESTC: N15037
Counsel	[Signed] D. Ryder; W. Noel	
Library	New York Public Library. Schwarzman Building: Rare Book Collection *KVB++ (1739, Jan. 25) (Ryder, D. Maryland) (Includes manuscript notes. The ESTC also shows another entry [N474463] for the New York Public Library for the appellant's case, but an additional copy cannot be located.) (Noted in ESTC? Yes.)	
Respondent's case	Case of the respondent (Simpson)	ESTC: N15036
Counsel	[Signed] J. Strange	
Library	New York Public Library. Schwarzman Building: Rare Book Collection *KVB++ (1739, Jan. 25) (Strange, J. Benjamin Tasker, esq. appellant) (Noted in ESTC? Yes.)	

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents See report on colonial court proceedings in Harris, *Maryland Reports*, under the name Brent’s Lessee v Tasker.

Appeals to the Privy Council

Report No. 04_1748_00

Frisby v Baldwin

Maryland

Case Name Short Frisby v Baldwin

Case Name Long Elizabeth Frisby v Mary Frisby Baldwin

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [91] p.69 – 13 October 1748 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.98: PC 2/101/98

[view](#)

APC Citation v.4 [91] p.69 – 6 August 1752 – entry 2

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.104: PC 2/101/104

[view](#)

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.162–164, 178–179: PC 2/103/162–164, 178–179

[view](#)

Colonial Courts

Chancery – October 1741

High Court of Appeals – 20 October 1747

Participants

Baldwin, John, gentleman (husband of Mary Frisby Carrol Baldwin)

Baldwin, Mary Frisby Carrol (widow and administratrix of William Frisby, widow of Dominick Carrol, and now wife of John Baldwin)

Carrol, Dominick (a deceased husband of Mary Frisby Carrol Baldwin)

Frisby, Elizabeth (widow and administratrix of Peregrine Frisby)

Frisby, Nicholas (deceased son of William Frisby)

Frisby, Peregrine, esquire, of Cecil county (deceased husband of Elizabeth Frisby and brother of William Frisby)

Frisby, William (a deceased husband of Mary Frisby Carrol Baldwin and brother of Peregrine Frisby)

Description

Dispute re the allocation of the estate of William Frisby

Disposition

Reversed

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Frisby)	ESTC: T39018	
Counsel	[Signed] D. Ryder; A. Hume-Campbell		
Library	British Library: General Reference Collection – 1890.e.3.(79.) (Includes manuscript notes and is bound with appeals to the House of Lords. The ESTC record states that the appeal was to that body though the dorse indicates an appeal to the Privy Council.) (Noted in ESTC? Yes.)		
			view
Respondent's case	Case of the respondent (Baldwin)		
Note	Not found		

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1773_00

Bordley v Thomas

Maryland

Case Name Short Bordley v Thomas

Case Name Long John Beale Bordley and Margaret Bordley and William and Mary Paca v Ann Thomas

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [273] p.384 – 29 October 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.330: PC 2/117/330

[view](#)

APC Citation v.5 [273] p.384 – 31 December 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.378, 397: PC 2/117/378, 397

[view](#)

Colonial Courts

Court of Appeals – 19 February 1771

Participants

Bordley, John Beale (husband of Margaret Bordley)

Bordley, Margaret (wife of John Beale Bordley)

Chew, Samuel, presumed deceased

Paca, Mary (wife of William Paca)

Paca, William (husband of Mary Paca)

Thomas, Ann of Ann Arundel county (widow of Philip Thomas)

Thomas, Philip (deceased husband of Ann Thomas)

Description

Dispute re estate of Samuel Chew

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 04_1776_00

Chew v Weems (Heeltap v Weems)

Maryland

Case Name Short Chew v Weems
Heeltap v Weems

Case Name Long Crispin Heeltap on the demise of William Chew v James Weems and David Weems

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [330] p.438 – 3 January 1776 – entry 1

PC Register Citation George III v.12 (June 1775 – May 1776) p.295, 394: PC 2/119/295, 394

[view](#)

Colonial Courts

Provincial Court – 8 September 1772

Court of Appeals and Errors – 21 February 1775

Participants

Chew, William

Heeltap, Crispin of Ann Arundel county (lessee of William Chew)

Weems, David

Weems, James

Weems, John

Description

Action of ejectment

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

As the Privy Council register makes clear, the ejectment action was originally brought by Heeltap and Chew. A judgment in their favor was reversed in the Court of Appeals and Errors, from which they appealed to the Privy Council. Crispin Heeltap and the lease to him are probably fictitious. ‘Heeltap’ is much more often found as a common noun than as a surname. On the action of ejectment involved here, see [Additional Research](#), which provides further support for the proposition that Heeltap is fictional.

Additional Sources

See the report on the colonial court proceedings in Harris, *Maryland Reports*, under the name Chew’s Lessee v Weems.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1681_00

Appeals of Randolph

Massachusetts

Case Name Short Randolph, appeals of
Randolph v Armitage
Randolph v Bollard
Randolph v Brock
Randolph v Clay
Randolph v Grecian
Randolph v Harding
Randolph v Huling
Randolph v Hunkins
Randolph v Hutchinson
Randolph v Janon
Randolph v Lucy (?)
Randolph v Nichols
Randolph v Severet and Nicholls
Randolph v Whetstone

Case Name Long Edward Randolph, appeals of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [44] p.22–23 – 11 August 1681 – entry 1

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.343–344: PC 2/69/343–344

[view](#)

Colonial Courts

Unnamed – locations given as “Boston and other Places”

Participants

Armitage, Timothy, master of the ship *Two Sisters* of Boston
Bollard, Nathaniel, master of a sloop of Linn
Brock, John, master of the *Guift of God* of Kittery
Clay, Steven, master of the *Batchelor Delight* of Providence
Grecian, Thomas, master of the pink *Expectation* of Boston
Harding, John of Salem
Huling, John, master of the ship *Maidenhead* of Nuberry
Hunkins, John, master of the ketch *Industry* of Plymouth
Hutchinson, John, merchant of Boston
Janon, Jeremia, master of a sloop of Scituate
Lucy (?), Samuel, master of the ship *Expedition* of Bristoll
Nichols, Eli, master of the barque *Guift of God* of Guernzey
Randolph, Edward, esquire
Severet, Philip and Nicholls, Eli., masters of two new ships of Piscataqua
Whetstone, ___, master of the *Mary* of Bristol

Vessels

Batchelor Delight of Providence (ship)
Expectation of Boston (pink)
Expedition of Bristoll (ship)
Guift of God of Guernzey (barque)
Guift of God of Kittery
Industry of Plymouth (ketch)
Maidenhead of Nuberry (ship)
Mary of Bristol
Two Sisters of Boston (ship)

Description

Seizures under the Navigation Acts

Disposition

Not stated in *APC*, but Smith (p.61) indicates that there is no evidence that any of the respondents appeared.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Randolph, Edward, Appeals of)

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1682_00

Thayre v [Savage]

Massachusetts

Case Name Short Thayre v [Savage]

Case Name Long Richard Thayre v [Capt. Savage] and [Capt. Clapp]

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [98] p.41 – 8 December 1682 – entry 1

CSP Citation VI no. 834

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.591: PC 2/69/591

[view](#)

APC Citation v.2 [98] p.41 – 2 March 1683 – entry 2

CSP Citation VI no. 989

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.643–644: PC 2/69/643–644

[view](#)

APC Citation v.2 [98] p.41 – 2 April 1684 – entry 3

CSP Citation VI no. 1621

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.137: PC 2/70/137

[view](#)

Colonial Courts

Unnamed – [Boston]

Participants

[Clapp, Capt.]

[Savage, Capt.]

Thayre, Richard

Description

Land [claim based on Indian deed]

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Thayre v Savage)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1691_00

[*In re* The Salisbury]

Massachusetts

Case Name Short [*In re* The Salisbury]

Not a ‘true’ appeal.

Case Name Long [*In re* The Salisbury]

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [409] p.192 – 30 July 1691 – entry 1

CSP Citation VIII no.1678

PC Register Citation William III v.2 (3 September 1690 – 29 September 1692) p.219: PC 2/74/219

[view](#)

APC Citation v.2 [409] p.193 – 2 January 1692 – entry 2

PC Register Citation William III v.2 (3 September 1690 – 29 September 1692) p.319: PC 2/74/319

[view](#)

Colonial Courts

[Court of Assistants in Boston – February 1689/90]

Participants

[Brenton, Jahleel]

Laurence, Capt. Nicholas, [master of the *Salisbury*]

Page, Col. Nicholas

Vessels

[*Salisbury*]

Description

Condemnation of vessel

Disposition

Settlement with the Commissioners of the Treasury

Notes

The appeal regarding the *Salisbury* was directed to Admiralty, considered by the Massachusetts court for the King in Council, but finally found resolution with the Treasury with a passing reference to the Commissioner of Customs. It stands as an example of the early confusion over appellate jurisdiction, according to Smith (p.93).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (*In re The Salisbury*)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1692_00 **Brenton v Lawson (*In re* The Two Brothers)**
Brenton v Wilkinson (*In re* The Three Brothers)
Appeal of Brenton (*In re* The Mary) **Massachusetts**

Case Name Short Brenton v Lawson
In re The Two Brothers
Brenton v Wilkinson
In re The Three Brothers
Brenton, appeal of
In re The Mary

Case Name Long Jahleel Brenton v George Lawson (*In re* The Two Brothers)
Jahleel Brenton v Thomas Wilkinson (*In re* The Three Brothers)
Jahleel Brenton, appeal of (*In re* The Mary)

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.2 [480] p.237–239 – 22 December 1692 – entry 1	
PC Register Citation	William III v.3 (1 October 1692 – 29 November 1694) p.59: PC 2/75/59	view
APC Citation	v.2 [480] p.239 – 23 April 1696 – entry 2	
PC Register Citation	William III v.4 (2 December 1694 – 23 April 1697) p.402: PC 2/76/402	view
APC Citation	v.2 [480] p.239 – 23 February 1697 – entry 3	
PC Register Citation	William III v.4 (2 December 1694 – 23 April 1697) p.585: PC 2/76/585	view
APC Citation	v.2 [480] p.239 – 27 May 1697 – entry 4	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.19: PC 2/77/19	view
APC Citation	v.2 [480] p.239–240 – 27 May 1697 – entry 5	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.1, 22–23: PC 2/77/1, 22–23	view
APC Citation	v.2 [480] p.240 – 3 June 1697 – entry 6	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.26: PC 2/77/26	view
APC Citation	v.2 [480] p.240 – 17 June 1697 – entry 7	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.30: PC 2/77/30	view
APC Citation	v.2 [480] p.240 – 1 July 1697 – entry 8	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.34: PC 2/77/34	view
APC Citation	v.2 [480] p.240 – 8 July 1697 – entry 9	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.38: PC 2/77/38	view
APC Citation	v.2 [480] p.240 – 15 July 1697 – entry 10	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.40: PC 2/77/40	view
APC Citation	v.2 [480] p.240–241 – 22 July 1697 – entry 11	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.55: PC 2/77/55	view
APC Citation	v.2 [480] p.241 – 29 July 1697 – entry 12	
PC Register Citation	William III v.5 (5 May 1697 – 30 March 1700) p.55: PC 2/77/55	view
APC Citation	v.2 [480] p.241 – 3 May 1700 – entry 13	
PC Register Citation	William III v.6 (4 April 1700 – 19 February 1702) p.21: PC 2/78/21	view
APC Citation	v.2 [480] p.241 – 9 May 1700 – entry 14	
PC Register Citation	William III v.6 (4 April 1700 – 19 February 1702) p.21: PC 2/78/21	view

Colonial Courts

A county court in Boston – 25 August 1691 – *In re* The Two Brothers
Court of Assistants – Boston – 1 September 1691 – *In re* The Two Brothers
Court of Assistants – Boston – *In re* The Three Brothers
County Court – 17 February 1692 – *In re* The Mary
Court of Assistants – Boston – 1 March 1692 – *In re* The Mary

Participants

Brenton, Jahleel, gentleman, Collector, Surveyor and Searcher of the Customes in New England
Dew, George, privateer commander (*In re* The Three Brothers)
Griffin, Thomas, privateer commander (*In re* The Three Brothers)
Lawson, George, commander of the *Two Brothers*
Mason, Stephen, merchant, of London
Merry, Anthony (‘concerned in’ the *Two Brothers*)
Phips, Sir William, Governor of Massachusetts

Upton, Ambrose (owner of the *Three Brothers*)
Wilkinson, Thomas, commander of the *Three Brothers*

Vessels

Two Brothers (pink)
Three Brothers (pink)
Mary (brigantine)

Description

Seizures under the Navigation Acts

Disposition

The vessel the *Two Brothers* was forfeited; no defendants answered the summons.
The vessel the *Three Brothers* was forfeited for breach of the Acts of Trade.
The appeal of Brenton regarding the *Mary* was dismissed.

Notes

Related to another Privy Council appeal:

Brenton v Shrimpton – Report No. 05_1698_00 (*APC*, v.2 [716] p.324)

Brenton v Shrimpton arises out of a seizure of a parcel of iron and is reported separately in *APC*.

References in **Smith**, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Brenton v Lawson; Brenton v Wilkinson; *In re The Three Brothers*)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1698_00

Brenton v Shrimpton

Massachusetts

Case Name Short Brenton v Shrimpton

Case Name Long Jahleel Brenton v Elizabeth Shrimpton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [716] p.324–325 – 1 September 1698 – entry 1

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.222: PC 2/77/222

[view](#)

APC Citation v.2 [716] p.325 – 30 May 1700 – entry 2

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.34: PC 2/78/34

[view](#)

APC Citation v.2 [716] p.325 – 28 June 1700 – entry 3

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.72: PC 2/78/72

[view](#)

APC Citation v.2 [716] p.325 – 18 July 1700 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.72: PC 2/78/72

[view](#)

Colonial Courts

County Court at Boston – 26 July 1692

Participants

Brenton, Jahleel, esquire, Collector of His Majesties Customes in New England
Shrimpton, Elizabeth (widow and executrix of Colonell Samuells Shrimpton)
Shrimpton, Col. Samuells of Boston (deceased husband of Elizabeth Shrimpton)

Description

Seizure of a parcel of iron for illegal importation

Disposition

Dismissed

Notes

Related to other Privy Council appeals:

Brenton v Lawson; Brenton v Wilkinson; *In re* The Mary – Report No. 05_1692_00 (*APC*, v.2 [480] p.237–239)

These cases are closely related to this one, but are reported separately in the *APC*.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1700_00

Ting v Wynthrop

Massachusetts

Case Name Short Ting v Wynthrop

Case Name Long Jonathan Ting v Wait Wynthrop

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [803] p.358 – 22 October 1700 – entry 1

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.86: PC 2/78/86

[view](#)

Colonial Courts

Inferior Court of Common Pleas

Superior Court of Judicature – Boston

Participants

Ting, Jonathan of Boston (executor of Hezekiah Usher)

Usher, Hezekiah of Boston, presumed deceased

Wynthorp, Wait (tenant of Jonathan Ting)

Description

Land

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1705_01

Allen v Spencer

Massachusetts

Case Name Short Allen v Spencer

Case Name Long Samuel Allen (later Thomas Allen) v Humphrey Spencer

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [972] p.489 – 9 July 1705 – entry 1

PC Register Citation Anne v.2 (20 January 1704 – 29 September 1705) p.388–389: PC 2/80/388–389

[view](#)

APC Citation v.2 [1006] p.510 – 15 July 1706 – entry 2

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.238–239: PC 2/81/238–239

[view](#)

Colonial Courts

Court of Common Pleas in Maine, otherwise referred to as Inferior Court at Wells
Superior Court – Boston – 7 November 1704

Participants

Allen, Samuel (deceased father of Thomas Allen)

Allen, Thomas (son of Samuel Allen)

Gorges, Sir Ferdinando

Spencer, Humphrey

Description

Land (“Writ of Ejectment,” according to the *APC*; “an Ejectment at Law,” according to the Committee report as given in the Privy Council register) near Newichawanock by grant from Ferdinando Gorges

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Related to another Privy Council appeal:

Allen v Waldron – Report No. 06_1701_00 (*APC*, v.2 [818] p.365)

This action, begun before the death of Samuel Allen in 1705, was continued by his son as heir, but apparently not further prosecuted. Smith (p.158) describes Allen’s attempt to enforce his Masonian claims in Massachusetts courts for lands in Maine. The *APC* indexes the appeal against Waldron by Samuel Allen, and then Thomas Allen, under New Hampshire where the Allens’ main efforts to enforce their claims were directed.

On the action of ejectment involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Allen v Spencer)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1705_02

Gookin v Smith

Massachusetts

Case Name Short Gookin v Smith

Case Name Long Samuel Gookin v Sarah Smith

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [985] p.497 – 20 December 1705 – entry 1

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.58: PC 2/81/58

[view](#)

APC Citation v.2 [985] p.497 – 9 April 1706 – entry 2

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.171: PC 2/81/171

[view](#)

APC Citation v.2 [985] p.497 – 11 April 1706 – entry 3

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.174: PC 2/81/174

[view](#)

Colonial Courts

Superior Court – Boston

Participants

Gookin, Samuel of Cambridge in New England
Smith, Sarah, widow

Description

Disposition of a ship or money in lieu thereof

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Gookin v Smith)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1706_00

Lason v Serjeant

Massachusetts

Case Name Short Lason v Serjeant

Case Name Long George Lason v Peter Serjeant

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [990] p.499–500 – 3 January 1706 – entry 1

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.69–70: PC 2/81/69–70

[view](#)

APC Citation v.2 [990] p.500 – 16 January 1706 – entry 2

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.71: PC 2/81/71

[view](#)

APC Citation v.2 [990] p.500 – 20 February 1706 – entry 3

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.111–112: PC 2/81/111–112

[view](#)

APC Citation v.2 [990] p.500 – 21 February 1706 – entry 4

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.115: PC 2/81/115

[view](#)

APC Citation v.2 [990] p.500 – 13 March 1707 – entry 5

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.314–315: PC 2/81/314–315

[view](#)

APC Citation v.2 [990] p.500 – 3 May 1707 – entry 6

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.358: PC 2/81/358

[view](#)

APC Citation v.2 [990] p.500 – 20 May 1707 – entry 7

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.365: PC 2/81/365

[view](#)

Colonial Courts

Inferior Court of Common Pleas – Boston – October 1704

Superior Court – 7 November 1704

Participants

Lason, George

Serjeant, Peter

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Dismissed, “but Lason may petition again upon the equity of his case, if he thinks fit,” according to the *APC*, v.6 [169] p.55.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Lason v Serjeant)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 3 May 1707 – PC 1/46/9

[view_Document](#)

Referenced in *APC*, v.6 [169] p.55

[view_APC](#)

TNA Document

Notes about
Document

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1711_00

Lillie v Bromfield
Lillie v Adams

Massachusetts

Case Name Short Lillie v Bromfield
Lillie v Adams

Case Name Long Samuel Lillie v Edward Bromfield and Francis Burroughs
Samuel Lillie v Elias Adams

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1150] p.655 – 30 July 1711 – entry 1

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.278: PC 2/83/278

APC Citation v.2 [1150] p.655 – 29 March 1715 – entry 2

PC Register Citation George I v.1(1 August 1714 – 2 March 1717) p.201–202: PC 2/85/201–202

[view](#)

[view](#)

Colonial Courts

Inferior Court of Massachusetts Bay – 7 October 1707 – re Bromfield and Burroughs
Inferior Court of Massachusetts Bay – 4 November 1707 – re Adams

Participants

Adams, Elias
Bromfield, Edward
Burroughs, Francis
Lillie, Samuel, merchant, of Boston

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

According to the *APC*, Lillie is allowed to appeal from the Inferior Court judgments and may also prosecute his appeals from the Admiralty Court of Massachusetts in the High Court of Admiralty in England.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Report of the Attorney General – 6 Jan. 1714/5 – PC 1/58/1	view_Document
Catalogued as	Catalogued by TNA with the petition of S. Lillie as follows: Petition of Samuel Lillie, merchant of Boston, concerning alleged unjust procedures in the Massachusetts courts of jurisdiction, with report of Attorney General	
Notes about Document	Stitched together are the petition, true copies of Lillie’s original request, order of reference to the Attorney General, and the Attorney General’s answer. Adams and Bromfield are treated together in these documents.	
TNA Document	Petition of S. Lillie – Mar. 1715 – PC 1/58/1	view_Document
Catalogued as	Catalogued by TNA with the report of the Attorney General as follows: Petition of Samuel Lillie, merchant of Boston, concerning alleged unjust procedure in the Massachusetts courts of judicature, with report of Attorney General	
Notes about Document	A complicated document: Our images are paginated consecutively. Page 1 is Lillie’s second petition. It is unpaginated and undated, though it must postdate 1 August 1714, because it is addressed to George I. The verso is not photographed and not paginated. Our page 2 is unpaginated but the verso is paginated 2. It contains “The Case of Samuel Lillie Merchant in Boston in New England relating to the Ship Samuel tried & determined the Court of Admiralty in New England, Nathaniel Byfield Judge.” This runs to page 9 (paginated 8), where there begins in mid-page “The Case of Samuel Lilley [sic] and Creditors tried and determined in the Courts of Common Law in Boston N. England.” This runs to page 12 (paginated 11), where there begins in mid-page “Case of Samuel Lillie relating to several oppressions and Wrongs sustained by him which have not been tried in any Court of Judicature.” This runs to page 14 (paginated 13). Page 15 (unpaginated but the next page is paginated 2) contains a certified copy of an order in Council dated 30 July 1711 referring the petition of Samuel Lillie to the Attorney General or the Solicitor General. Pages 16 and 17 (paginated 2 and 3) contain a certified copy of the petition of Lillie so referred. In the middle of page 17 begins a certified copy of the Attorney General’s report, the same report contained in the previous document, dated 6 January 1714/15. This continues onto page 18 (unpaginated). The dorse tells us that the document contains the “Petition and Report thereon of Mr Attorney General relating to the admitting of Samuel Lillie to appeal from several Decrees and Judgments given against him in New England.”	

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1715_00

Bannister v Bowe

Massachusetts

Case Name Short Bannister v Bowe

Case Name Long Thomas Bannister v Margaret Bowe

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1230] p.697 – 17 June 1715 – entry 1

PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.235: PC 2/85/235

[view](#)

APC Citation v.2 [1230] p.698 – 8 December 1715 – entry 2

PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.323: PC 2/85/323

[view](#)

APC Citation v.2 [1230] p.698 – 13 December 1715 – entry 3

PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.325: PC 2/85/325

[view](#)

Colonial Courts

Superior Court of Judicature – 4 May 1714

Participants

Bannister, Thomas of Boston

Bowe, Margaret

Garvan, Jeremiah

Description

Payment of judgment sum of £400 1s 2d

Disposition

Reversed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1717_00

Oulton v Savage

Massachusetts

Case Name Short Oulton v Savage

Case Name Long John Oulton and Cornelius Waldo v Arthur Savage

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1270] p.721 – 15 July 1717 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.19: PC 2/86/19

[view](#)

APC Citation v.2 [1270] p.721 – 5 February 1718 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.93–94: PC 2/86/93–94

[view](#)

APC Citation v.2 [1270] p.721 – 16 March 1718 – entry 3

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.116: PC 2/86/116

[view](#)

Colonial Courts

Superior Court of Suffolk County, Massachusetts Bay – 6 November 1716

Participants

Oulton, John of Boston

Savage, Arthur, master of the *Province*

Waldo, Cornelius of Boston

Vessels

Province (galley)

Description

Action on the case, according to Smith (p.166).

Disposition

Dismissed – petitioners may still apply for a review in New England

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Oulton v Waldo and Savage)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

ADDITIONAL RESEARCH

Smith names the case Oulton v Waldo and Savage, but the original record he cites (Massachusetts Superior Court of Judicature Judgment [*recte* Record] Book, 1715–1717, f.158[r–v]) clearly names the case as “John Oulton & Cornelius Waldo both of Boston in the County of Suffolk Merchants three quarter part Owners of the Ship Province Galley, Appellants [v] Captain Arthur Savage now or late Comander of the said Ship Province Galley of Boston aforesaid Mariner, Appellee.” The action, originally brought in an Inferior Court in July of 1716, charged Savage with having violated Oulton and Waldo’s orders with regard to a shipment of fish from Massachusetts to Portugal or Spain, with the result that they were damaged to the sum of £1,052 9s. The original jury found for Oulton and Waldo in the amount of £360. Oulton and Savage appealed to the Superior Court, and a second jury found entirely for Savage, who was awarded costs of £4 8s. 2d. A note in the margin states that on 3 December 1716, Savage acknowledged that this judgment (presumably for costs) was satisfied. Oulton and Waldo prayed leave to appeal to the Privy Council, and the record states: “The Court are of Opinion that an Appeal doth not ly in this Action.” Why they were of this opinion is perhaps indicated by the Privy Council’s dismissal of the appeal: Further review in the colony was available by way of writ of review. Compare the procedure followed half a century later in *Apthorpe v Pateshall* (05_1768_00, *APC*, v.5 [56] p.122).

Charles Donahue, Jr.

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Appeals to the Privy Council

Report No. 05_1718_01

Tunley v Maccarty

Massachusetts

Case Name Short Tunley v Maccarty

Case Name Long William and Christian Tunley v William Maccarty

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1297] p.744 – 1 July 1718 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.154: PC 2/86/154

[view](#)

Colonial Courts

Courts of Massachusetts Bay

Participants

Maccarty, Florence (deceased husband of Christian Maccarty Tunley)

Maccarty, William

Tunley, Christian (widow of Florence Maccarty and wife of William Tunley)

Tunley, William (husband of Christian Maccarty Tunley)

Description

Estate dispute

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

The unusual identification of Christian Maccarty as the widow and Florence Maccarty as the deceased husband raises a possibility that the editors of the *APC* or the Privy Council clerk confused the names.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1718_02

Flint v Willett

Massachusetts

Case Name Short Flint v Willett

Case Name Long Henry Flint v Ann Willett

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1298] p.744 – 1 July 1718 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.154: PC 2/86/154

[view](#)

APC Citation v.2 [1298] p.744 – 8 August 1718 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.164: PC 2/86/164

[view](#)

APC Citation v.2 [1298] p.744 – 27 August 1718 – entry 3

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.170: PC 2/86/170

[view](#)

Colonial Courts

General Court of Trials at Newport

Participants

Flint, Henry of Cambridge (grandson of Thomas Willett)

Willett, Ann

Willett, Thomas (deceased grandfather of Henry Flint)

Description

Estate dispute

Disposition

Appeal is dismissed; new suit must be commenced.

Notes

The *APC* labels this appeal ‘Massachusetts Bay’ where the appellant lived rather than ‘Rhode Island’, which is the site of the court in which the proceedings were held. From the entry in the Privy Council’s register, it appears that there may have been a misunderstanding about the colony in which Newport was located.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Flint v Willett)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1718_03

Taylor v Taylor

Massachusetts

Case Name Short Taylor v Taylor

Case Name Long Christopher Taylor v Rebecca Taylor and Sarah Taylor

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1302] p.748 – 29 August 1718 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.175: PC 2/86/175

[view](#)

Colonial Courts

Probate of Wills

Governor and Council – 20 February 1717

Participants

Taylor, Christopher, gentleman, of Boston (eldest son of James Taylor and stepson of Rebecca Taylor)

Taylor, James of Lynn (deceased father of Christopher Taylor and husband of Rebecca Taylor)

Taylor, Rebecca (stepmother of Christopher Taylor, widow and executor of James Taylor, and mother of Sarah Taylor)

Taylor, Sarah (executor of James Taylor and daughter of Rebecca Taylor)

Description

Estate dispute

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Taylor v Taylor)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1722_00

Gilbert v Branfield

Massachusetts

Case Name Short Gilbert v Branfield

Case Name Long John Gilbert v John Branfield and William Ward

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [27] p.32 – 20 January 1722 – entry 1

PC Register Citation George I v.3 (25 August 1720 – 31 May 1722) p.467: PC 2/87/467

[view](#)

APC Citation v.3 [27] p.32 – 2 March 1722 – entry 2

PC Register Citation George I v.3 (25 August 1720 – 31 May 1722) p.498: PC 2/87/498

[view](#)

APC Citation v.3 [27] p.32 – 4 March 1722 – entry 3

PC Register Citation George I v.3 (25 August 1720 – 31 May 1722) p.511: PC 2/87/511

[view](#)

Colonial Courts

Superior Court in New England – 1 November 1720

Participants

Branfield, John, goldsmith, of London

Gilbert, John

Ward, William, goldsmith, of London

Description

Debt

Disposition

Dismissed for non-prosecution

Notes

That Massachusetts is the jurisdiction is supplied by Smith (p.330).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Gilbert v Branfill)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1726_00

In re The Mary Ann

Massachusetts

Case Name Short *In re* The Mary Ann

Case Name Long *In re* The Mary Ann

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [101] p.127 – 5 July 1726 – entry 1

PC Register Citation George I v.5 (September 1724 – May 1727) p.257: PC 2/89/257

[view](#)

Colonial Courts

Admiralty Court

Superior Court of Massachusetts Bay – 29 January 1726

Participants

Bury, Edmund, master of the *Mary Ann*

Robinson, Robert, Collector of his Majesty's Customs at Salem and Marblehead

Vessels

Mary Ann (sloop)

Description

Concerns the sloop and her cargo

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (*In re The Mary Ann*)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1731_00

Bennet v Gray

Massachusetts

Case Name Short Bennet v Gray

Case Name Long Joseph Bennet and Samuel Freeth and William Walker v Benjamin Gray

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [233] p.315–316 – 8 April 1731 – entry 1

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.367: PC 2/91/367

[view](#)

APC Citation v.3 [233] p.316 – 28 April 1734 – entry 2

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.375–376: PC 2/91/375–376

[view](#)

APC Citation v.3 [233] p.316 – 11 May 1734 – entry 3

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.387: PC 2/91/387

[view](#)

Colonial Courts

Inferior Court of Common Pleas – 4 April 1729 (see Notes below)

Supream Court of Judicature – Boston – second Tuesday of August 1728

Participants

Bennet, Joseph of Birmingham

Freeth, Samuel of Birmingham

Gold, William

Gray, Benjamin of Boston (terretenant of William Gold)

Walker, William, merchant, of Whitton Hall in Warwickshire

Description

Land in dispute (trespass and ejectment) “lying at the Southerly end of Boston known as William Golds farm,” according to the *APC*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

There is an error in the colonial court dates in the *APC*; the lower court decision is dated after its reversal. The Privy Council’s register at George II v.2 (1 June 1729 – 16 June 1732) p.375 corrects the date of the Inferior Court judgment to 4 April 1727 and calls the higher court the ‘Superior Court of Judicature’.

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Bennett v Gray)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1733_01

Waldo v Fairweather (1)
Waldo v Fairweather (2)

Massachusetts

Case Name Short	Waldo v Fairweather (1) Waldo v Fairweather (2)
Case Name Long	Samuel Waldo v Thomas Fairweather (later Hannah Fairweather and John Fairweather) (1) Samuel Waldo v Thomas Fairweather (later Hannah Fairweather and John Fairweather) (2)

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.3 [272] p.376–377 – 21 February 1733 – entry 1	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.114–115: PC 2/92/114–115	view
APC Citation	v.3 [272] p.377 – 28 February 1733 – entry 2	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.119: PC 2/92/119	view
APC Citation	v.3 [272] p.377 – 29 March 1733 – entry 3	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.134–135: PC 2/92/134–135	view
APC Citation	v.3 [272] p.377 – 10 May 1733 – entry 4	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.163–164: PC 2/92/163–164	view
APC Citation	v.3 [272] p.377 – 21 June 1733 – entry 5	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.179–180: PC 2/92/179–180	view
APC Citation	v.3 [272] p.377 – 22 March 1734 – entry 6	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.389–390: PC 2/92/389–390	view
APC Citation	v.3 [272] p.377 – 5 November 1734 – entry 7	
PC Register Citation	George II v.4 (1 August 1734 – 23 September 1736) p.31: PC 2/93/31	view
APC Citation	v.3 [272] p.377–378 – 10 December 1734 – entry 8	
PC Register Citation	George II v.4 (1 August 1734 – 23 September 1736) p.37–38: PC 2/93/37–38	view
APC Citation	v.3 [272] p.378–379 – 12 December 1734 – entry 9	
PC Register Citation	George II v.4 (1 August 1734 – 23 September 1736) p.39 <i>recte</i> 38–40: PC 2/93/39 <i>recte</i> 38–40	view
APC Citation	v.3 [272] p.379 – 9 January 1735 – entry 10	
PC Register Citation	George II v.4 (1 August 1734 – 23 September 1736) p.58–59: PC 2/93/58–59	view

Colonial Courts

Court of Probates – 27 December 1731 (first action)
Governor and Council – 13 January 1732 (first action)
Inferior Court for the County of Suffolk – 4 July 1732 (second action, brought about 20 June 1732)
Superior Court of Judicature – Boston – 8 August 1732 (second action)

Participants

Channing, Joshua
Fairweather (Fayrweather), Hannah (wife, later widow and executor, of Thomas Fairweather, and daughter of Jonathan Waldo)
Fairweather (Fayrweather), John (uncle and executor of Thomas Fairweather)
Fairweather (Fayrweather), Thomas (husband, later deceased, of Hannah Fairweather, and executor of Jonathan Waldo)
Parkin, William
Waldo (Waldoe), Jonathan of Boston (deceased father of Samuel Waldo and Hannah Waldo Fairweather)
Waldo (Waldoe), Samuel (son and executor of Jonathan Waldo)
Willard, Joshua, Judge of the Probate of Wills

Description

Samuel Waldo seeks in the first action the books of accounts, notes, etc. of his deceased father and in the second action the deeds for real estate he claims under his father's will.

Disposition

Judgments of 27 December 1731 and 13 December 1732 affirmed according to the *APC* (likely that the latter is really 13 January). Judgments of 4 July and 8 August 1732 reversed and appellant allowed to bring a new action.

Notes

Related to other Privy Council appeals:

Waldo v Waldo – Report No.05_1734_01 (*APC*, v.3 [295] p.405)

Waldo v Waldoe – Report No. 05_1734_04 (*APC*, v.3 [321] p.430–431)

For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather’s death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

Upon the death of Thomas Fairweather, the two appeals are revived against the executors, Hannah and John Fairweather, according to the *APC*.

DOCUMENTATION

Printed Cases

Appellant’s case	Case of the appellant (Waldo)	
Note	Not found	
Respondent’s case	Case of the respondent (Fayreweather)	
Counsel	[Signed] J. Willes	
Library	American Antiquarian Society: British Broad­sides (Manuscript scribblings [dates, ?sums, pen trials, a couple of words] on dorse)	view
	Privy Council Documents in PC 1 at The National Archives at Kew	
	Not found	

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Appeals to the Privy Council

Report No. 05_1733_02

Stoddard v Barrell

Massachusetts

Case Name Short Stoddard v Barrell

Case Name Long William Stoddard v John Barrell, sen. (later revived against Barrell's executors)

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [278] p.384 – 10 May 1733 – entry 1

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.162–163: PC 2/92/162–163

[view](#)

APC Citation v.3 [278] p.384 – 8 January 1734 – entry 2

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.259 *male*, 286: PC 2/92/259 *male*, 286

[view](#)

PC Register Note The citation in the *APC* to p.259 seems to be in error. The entry on p.311–312 (below) repeats the contents of that on p.286.

APC Citation v.3 [278] p.384 – 12 February 1735 – entry 3

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.311–312: PC 2/92/311–312

[view](#)

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.41, 84, 86–88, 99: PC 2/93/41, 84, 86–88, 99

[view](#)

Colonial Courts

Superior Court – February 1732

Superior Court at Boston – in the fall sittings which commenced 8 August 1732

Participants

Barrell, Abiah (executor of John Barrell, sen.)

Barrell, Anna (executor of John Barrell, sen.)

Barrell, John (executor of John Barrell, sen.)

Barrell, John, sen., later deceased

Stoddard, William of Boston

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Judgment of 8 August 1732 reversed

Judgment of February 1732 affirmed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Barrell v Stoddard)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1733_03

Byfield v Swasey

Massachusetts

Case Name Short Byfield v Swasey

Case Name Long Nathaniel Byfield v Samuel Swasey

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [279] p.384 – 4 June 1733 – entry 1

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.172–173: PC 2/92/172–173

[view](#)

APC Citation v.3 [279] p.384 – 21 June 1733 – entry 2

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.178: PC 2/92/178

[view](#)

APC Citation v.3 [279] p.384 – 19 July 1733 – entry 3

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.195: PC 2/92/195

[view](#)

Colonial Courts

Inferior Court of Common Pleas

Superior Court at Boston – 1732

Participants

Byfield, Nathaniel, Judge of the Vice Admiralty Court

Swasey, Samuel, shipwright

Description

Action for alleged extortionate fee for the Vice Admiralty decree

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1734_01

Waldo v Waldo

Massachusetts

Case Name Short Waldo v Waldo

Case Name Long Cornelius Waldo v Samuel Waldo, Jonathan Waldo, Thomas Fairweather, Edward and Anna Tyng

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [295] p.405 – 10 January 1734 – entry 1

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.290: PC 2/92/290

[view](#)

APC Citation v.3 [295] p.405 – 31 January 1734 – entry 2

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.304–305, 419, 426–427: PC 2/92/304–305, 419, 426–427

[view](#)

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.95, 106: PC 2/93/95, 106

[view](#)

APC Citation v.3 [295] p.405 – 407 – 4 March 1735– entry 3

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.107–109: PC 2/93/107–109

[view](#)

APC Citation v.3 [295] p.407 – 3 April 1734 *recte* 1735 – entry 4 (Misstated in APC as 1734.)

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.143: PC 2/93/143

[view](#)

Colonial Courts

Inferior Court of Common Pleas for the county of Worcester – 8 May 1733

Superior Court – 19 September 1733

Participants

Alexander, John (tenant of Cornelius Waldo)

Barber, Robert (tenant of Cornelius Waldo)

Channing, Joshua, haberdasher, of London

Fairweather (Fayrweather), Thomas (executor of Jonathan Waldo)

Gookin, Daniel (tenant of Cornelius Waldo)

Parkin, William, ironmonger, of London

Tyng, Anna (Anne, Ann) (daughter of Jonathan Waldo, wife of Edward Tyng, and executrix of Jonathan Waldo)

Tyng, Edward (husband of Anna Tyng)

Waldo (Waldoe), Cornelius, merchant, of Boston

Waldo (Waldoe), Jonathan (son and executor of Jonathan Waldo)

Waldo (Waldoe), Jonathan, gentleman (deceased father of Samuel Waldo, Jonathan Waldo, and Ann Waldo Tyng)

Waldo (Waldoe), Samuel (son and executor of Jonathan Waldo)

Description

Land (action of ejectment) in dispute in Worcester county. Action was originally brought against the tenants of Cornelius Waldo.

Disposition

Judgment altered with direction for Cornelius Waldo to pay a sum certain to respondents within a specified time and with specific directions for future actions by the parties, depending upon that performance

Notes

Related to other Privy Council appeals:

Waldo v Fairweather (1) and (2) – Report No. 05_1733_01 (*APC*, v.3 [272] p.376–377)

Waldo v Waldoe – Report No. 05_1734_04 (*APC*, v.3 [321] p.430–431)

Waldo v Fairweather, Waldo v Waldo, and Waldo v Tyng – Report No. 05_1734_06 (*APC*, v.3 [325] p.450)

For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather's death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

For the action of ejectment involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Waldoe v Waldoe)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1734_02

Gooch v Dummer

Massachusetts

Case Name Short Gooch v Dummer

Case Name Long James Gooch, Abraham Blish, James Allen, James Gooch, jun., and Francis Wilks v Samuel Dummer

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [296] p.407 – 31 January 1734 – entry 1

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.307: PC 2/92/307

[view](#)

APC Citation v.3 [296] p.407 – 6 February 1734 – entry 2

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.310: PC 2/92/310

[view](#)

APC Citation v.3 [296] p.407 – 7 February 1734 – entry 3

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.320: PC 2/92/320

[view](#)

APC Citation v.3 [296] p.407 – 22 May 1735 – entry 4

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.166: PC 2/93/166

[view](#)

APC Citation v.3 [296] p.407 – 25 June 1735 – entry 5

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.185–186: PC 2/93/185–186

[view](#)

Colonial Courts

Superior Court of Judicature – Boston – 8 February 1731

Participants

Allen, James, merchant, of Boston

Blish, Abraham, felt maker, of Boston

Dummer, Samuel, esquire, of Wilmington in the county of Middlesex, sheriff of the county

Gill, Michael

Gooch, James, jun., distiller, of Boston

Gooch, James, merchant, of Boston

Gookin, Daniel, under sheriff

Wilks, Francis, esquire, merchant, of London

Description

To recover damages caused by the lack of performance of the under sheriff

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1734_03

Tidmarsh v Brandon

Massachusetts

Case Name Short Tidmarsh v Brandon

Case Name Long Giles Dulake Tidmarsh v Joseph Brandon

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [319] p.428 – 24 October 1734 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.21: PC 2/93/21

[view](#)

APC Citation v.3 [319] p.428–429 – 3 June 1736 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.379, 465, 469: PC 2/93/379, 465, 469

[view](#)

APC Citation v.3 [319] p.429 – 7 June 1736 – entry 3

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.476 *recte* 475–476: PC 2/93/476 *recte* 475–476

[view](#)

APC Citation v.3 [319] p.429 – 23 July 1736 – entry 4

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.505: PC 2/93/505

[view](#)

APC Citation v.3 [319] p.429–430 – 19 January 1737 – entry 5

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.241–245 *recte* George II v.5 (1 October 1736 – 4 September 1738) p.42–45: PC 2/93/241–245 *recte* 2/94/42–45

[view](#)

PC Register Note The citation in the *APC* to v.4, p.241–245, seems to be in error. The report is found in v.5, p.42–45.

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.55: PC 2/94/55

[view](#)

Colonial Courts

Superior Court – Boston – August 1733

Participants

Appleton, Samuel (deceased partner of Giles Dulake Tidmarsh)

Barnard, Sir John (referee for Giles Dulake Tidmarsh)

Brandon, Joseph

Holden, Samuel, esquire (proposed referee for Joseph Brandon)

Hooper, Silas (referee for Joseph Brandon replacing Samuel Holden)

Sandford, Thomas, merchant (referee for Giles Dulake Tidmarsh)

Tidmarsh, Giles Dulake (partner and executor of Samuel Appleton)

Willimot, Alderman (referee for Joseph Brandon)

Description

Settlement of an account due

Disposition

Reversed, confirming the decision of the referees to whom the matter was referred

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Tidmarsh v Brandon)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1734_04

Waldo v Waldoe

Massachusetts

Case Name Short Waldo v Waldoe

Case Name Long John Waldo v Samuel Waldoe, Jonathan Waldoe, Thomas Fairweather, and Edward and Anne Tyng

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [321] p.430–431 – 7 November 1734 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.35–36: PC 2/93/35–36

[view](#)

APC Citation v.3 [321] p.431–432 – 18 March 1735– entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.120–122: PC 2/93/120–122

[view](#)

APC Citation v.3 [321] p.432 – 3 April 1735 – entry 3

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.145: PC 2/93/145

[view](#)

Colonial Courts

Inferior Court – Boston – 3 July 1733 (action brought 9 June 1733)

Superior Court – 4 or 14 August 1733

Participants

Fairweather (Fayrweather), Thomas (son-in-law and executor of Jonathan Waldoe)

Tyng, Anne (Ann) (daughter and executrix of Jonathan Waldoe and wife of Edward Tyng)

Tyng, Edward (husband of Anne Tyng)

Waldo (Waldoe), John, distiller, of Boston

Waldoe (Waldo), Jonathan, gentleman (deceased father of Samuel Waldo, Jonathan Waldo, and Ann Waldo Tyng)

Waldoe (Waldo), Jonathan (son and executor of Jonathan Waldoe)

Waldoe (Waldo), Samuel (son and executor of Jonathan Waldoe)

Description

Land (action of ejectment to recover land and a ‘Still House’ in Boston)

Disposition

No appeal is granted.

Notes

Related to other Privy Council appeals:

Waldo v Fairweather (1) and (2) – Report No. 05_1733_01 (*APC*, v.3 [272] p.376–377)

Waldo v Waldo – Report No. 05_1734_01 (*APC*, v.3 [295] p.405)

Waldo v Fairweather, Waldo v Waldo, and Waldo v Tyng – Report No. 05_1734_06 (*APC*, v.3 [325] p.450)

For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather’s death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

For the action of ejectment involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1734_05

Philips v Savage

Massachusetts

Case Name Short Philips v Savage

Case Name Long Gillam Philips v Hannah Savage, Faith Savage, Hannah Philips, and representatives for Mary Butler

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [322] p.432 – 7 November 1734 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.36: PC 2/93/36

[view](#)

APC Citation v.3 [322] p.432 – 20 April 1737 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.95, 100–101, 166–167, 186: PC 2/93/95, 100–101, 166–167, 186

[view](#)

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.203: PC 2/94/203

[view](#)

APC Citation v.3 [322] p.432–433 – 21 July 1737 – entry 3

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.267: PC 2/94/267

[view](#)

APC Citation v.3 [322] p.433 – 23 December 1737 – entry 4

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.353–354, 374: PC 2/94/353–354, 374

[view](#)

APC Citation v.3 [322] p.433–436 – 16 January 1738 – entry 5

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.375–378: PC 2/94/375–378

[view](#)

APC Citation v.3 [322] p.436 – 15 February 1738 – entry 6

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.424: PC 2/94/424

[view](#)

Colonial Courts

Probate of Wills – 6 April and 15 May 1733 (distribution on 10 October 1733)

Governor and Council – 2 November 1733 (Order of Governor and Council – 6 November 1733)

Participants

Boydell, John, Register of the Court of Probate of Wills

Butler, Mary (deceased sister of Gillam Philips, Henry Philips, Faith Savage, and Hannah Savage, and daughter of Hannah Philips)

Philips (Phillips), Gillam of Boston (brother of Henry Philips, Hannah Savage, Faith Savage, and Mary Butler; son of Hannah Philips; and administrator of Henry Philips)

Philips (Phillips), Hannah (mother of Gillam Philips, Henry Philips, Hannah Savage, Faith Savage, and Mary Butler)

Philips (Phillips), Henry, gentleman, of Boston (deceased brother of Gillam Philips, Hannah Savage, Faith Savage, and Mary Butler, and son of Hannah Philips)

Savage, Arthur (husband of Faith Savage)

Savage, Faith (sister of Gillam Philips, Henry Philips, Hannah Savage, and Mary Butler; daughter of Hannah Philips; and wife of Arthur Savage)

Savage, Habijah, esquire (husband of Hannah Savage)

Savage, Hannah (sister of Gillam Philips, Henry Philips, Faith Savage, and Mary Butler; daughter of Hannah Philips; and wife of Habijah Savage)

Wilks, Samuel, agent for Massachusetts Bay

Willard, Josiah, esquire, Judge of the Court of Probate of Wills

Description

Intestate distribution

Disposition

Affirmed

Notes

Agent Samuel Wilks in Participants may in fact be Francis Wilks.

This appeal is often discussed with *Winthrop v Lechmere* and *Clark v Towsey* as to their treatment of the division of an intestate's property in the colonies and the degree to which colonial legislation was subject to review. The printed cases of both the appellant and the respondent have been transcribed and published by the Massachusetts Historical Society as “Phillips vs. Savage” with a commentary under the same title by Ames and Willard. They are also available in Gale's *Making of Modern Law: Trials*, under the title *Philips v Philips*.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Philips v Savage) (extensive discussion)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Philips)	ESTC: N16903
Counsel	[Signed] D. Ryder; John Brown	
Note	Printed case for the appellant names the case Philips v Philips	
Library	American Antiquarian Society: British Broad­sides	
Library	Harvard University. Harvard Law School Library: Special Collections. Rare Trials P Folio (Manuscript notes limited to date and ‘judgment affirmed’ on the dorse)	
Library	Law Library of Congress: Rare Books – Law Library Reading Room – K379.P485 P485 1737 LL Trials (Respondent’s case is at the same call number.)	
Library	Massachusetts Historical Society: Bdses 1737 (Includes manuscript notes)	view
Library	New York Public Library: (?) (The ESTC lists copies of the appellant [N16903] and respondent [N17105] cases at the New York Public Library, but a vigorous search by a librarian failed to find evidence of NYPL ownership.) (Noted in ESTC? Yes.)	
Respondent's case	Case of the respondents (Savage)	ESTC: N17105
Counsel	[Signed] J. Strange; Jonath’ Belcher	
Note	Printed case is the case of Faith Savage, one of the respondents.	
Library	American Antiquarian Society: British Broad­sides (Noted in ESTC? No.)	
Library	Harvard University. Harvard Law School Library: Special Collections. Rare Trials P Folio (Includes manuscript notes) (Noted in ESTC? No.)	view
Library	Law Library of Congress: Rare Books – Law Library Reading Room – K379.P485 P485 1737 LL Trials (Appellant’s case is at the same call number.) (Noted in ESTC? No.)	
Library	Massachusetts Historical Society: Bdses 1738 Jan. 13 (Includes manuscript notes)	view
Library	New York Public Library: (?) (The ESTC lists copies of the appellant [N16903] and respondent [N17105] cases at the New York Public Library, but a vigorous search by a librarian failed to find evidence of NYPL ownership.) (Noted in ESTC? Yes.)	
Privy Council Documents in PC 1 at The National Archives at Kew		
Not found		
Other Documents		
Other Documents	Note papers relating to the dispute in the Henry Philips Papers, 1728–1738, (with Finding Aid) in the Harvard Law School Library.	

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Appeals to the Privy Council

Report No. 05_1734_06

Waldo v Fairweather

Waldo v Waldo

Waldo v Tyng

Massachusetts

Case Name Short Waldo v Fairweather
Waldo v Waldo
Waldo v Tyng

Case Name Long Samuel Waldo v Thomas and Hannah Fairweather
Samuel Waldo v Jonathan Waldo
Samuel Waldo v Edward and Ann Tyng

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [325] p.450 – 19 December 1734 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.51–52, 84, 106, 109, 122: PC 2/93/51–52, 84, 106, 109, 122

[view](#)

APC Citation v.3 [325] p.450–452 – 20 March 1735 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.115–116, 122–123, 123–125: PC 2/93/115–116, 122–123, 123–125

[view](#)

APC Citation v.3 [325] p.452 – 3 April 1735 – entry 3

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.144–145: PC 2/93/144–145

[view](#)

Colonial Courts

Inferior Court – second Tuesday in July 1733 (all three appeals)

Superior Court of Judicature – second Tuesday in August 1733 (all three appeals)

Participants

Fairweather (Fayrweather), Hannah (daughter of Jonathan Waldo, wife (later widow) and executor of Thomas Fairweather)

Fairweather (Fayrweather), John (uncle and executor of Thomas Fairweather)

Fairweather (Fayrweather), Thomas (deceased husband of Hannah Fairweather and executor of Jonathan Waldo)

Tyng, Ann (daughter and executor of Jonathan Waldo and wife of Edward Tyng)

Tyng, Edward (husband of Ann Tyng)

Waldo (Waldoe), Jonathan (deceased father of Samuel Waldo, Jonathan Waldo, Ann Waldo Tyng, and Hannah Waldo Fairweather)

Waldo (Waldoe), Jonathan (son and executor of Jonathan Waldo)

Waldo (Waldoe), Samuel (son and executor of Jonathan Waldo)

Description

Request for an accounting of the money in the hands of Samuel Waldo belonging to his deceased father, Jonathan Waldo.

Disposition

All appeals dismissed; judgments affirmed.

Notes

Related to other Privy Council appeals:

Waldo v Fairweather (1) and (2) – Report No. 05_1733_01 (*APC*, v.3 [272] p.376–377)

Waldo v Waldo – Report No. 05_1734_01 (*APC*, v.3 [295] p.405)

Waldo v Waldoe – Report No. 05_1734_04 (*APC*, v.3 [321] p.430–431)

For clarity in dealing with multiple Waldo (Waldoe) cases, listed here are the immediate family members, without regard to whether they appear in this report: Jonathan Waldo is the deceased father of the Waldo siblings: Samuel (eldest son), Jonathan, Hannah, and Ann (Anne, Anna). Hannah is the wife of Thomas Fairweather (Fayrweather), who dies during the proceedings. Ann is the wife of Edward Tyng (Ting). Samuel and Jonathan Waldo, Ann Tyng, and Thomas Fairweather are the executors for Jonathan Waldo. Upon Thomas Fairweather's death, Hannah, his widow, and his uncle, John Fairweather, become his executors.

DOCUMENTATION

Printed Cases

Not found

Appeals to the Privy Council

Report No. 05_1735_01

Ellis v Sprague

Massachusetts

Case Name Short Ellis v Sprague

Case Name Long Matthew Ellis v Richard Sprague

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [344] p.461 – 16 May 1735 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.164: PC 2/93/164

[view](#)

APC Citation v.3 [344] p.461 – 9 July 1735 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.191, 200–201: PC 2/93/191, 200–201

[view](#)

APC Citation v.3 [344] p.461 – 30 July 1735 – entry 3

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.218: PC 2/93/218

[view](#)

APC Citation v.3 [344] p.461 – 14 August 1735 – entry 4

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.223: PC 2/93/223

[view](#)

Colonial Courts

Inferior Court – 11 December 1733

Superior Court – 29 January and 30 July 1734

Participants

Ellis, Matthew, husbandman, of Medford in Middlesex County

Sprague, Richard

Description

Assault, beating, wounding, and imprisonment and detaining in prison upon payment of a fine

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1735_02

Leighton v Frost

Massachusetts

Case Name Short Leighton v Frost

Case Name Long William Leighton v John Frost

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [345] p.461–462 – 16 May 1735 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.164–165: PC 2/93/164–165

[view](#)

APC Citation v.3 [345] p.462–466 – 2 April 1736 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.179–180, 200, 217–218, 223, 419, 421–425: PC 2/93/179–180, 200, 217–218, 223, 419, 421–425

[view](#)

APC Citation v.3 [345] p.466 – 29 April 1736 – entry 3

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.438: PC 2/93/438

[view](#)

APC Citation v.3 [345] p.466 – 21 December 1738 – entry 4

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.66, 11 *recte* 111–112: PC 2/95/66, 11 *recte* 111–112

[view](#)

APC Citation v.3 [345] p.466–469 – 23 February 1739 – entry 5

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.113–118 *recte* 112–117 : PC 2/95/113–118 *recte* 112–117

[view](#)

PC Register Note The citation in the *APC* to p.113–118 should be to p.112–117.

APC Citation v.3 [345] p.469 – 22 March 1739 – entry 6

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.137–142: PC 2/95/137–142

[view](#)

APC Citation v.3 [345] p.469 – 23 March 1743 – entry 7

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.351–352: PC 2/97/351–352

[view](#)

APC Citation v.3 [345] p.469 – 31 May 1743 – entry 8

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.420: PC 2/97/420

[view](#)

APC Citation v.3 [345] p.469–470 – 21 June 1743 – entry 9

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.452–453: PC 2/97/452–453

[view](#)

Colonial Courts

Inferior Court of Common Pleas of York County – 2 April 1734

Superior Court of Judicature for the county of York – 19 June 1734

Participants

Belcher, Mr., Governor of Massachusetts Bay

Dunbar, Col. David, Surveyor-General of His Majesty's Woods in North America

Frost, Charles, esquire, deceased

Frost, John, yeoman, of Berwick in the county of York

Gulston, Ralph, merchant, of London

Joy, Ephraim

Leighton, William, gentleman, of Kittery in what was formerly called Maine – workman for Ralph Gulston at the direction and order of Samuel Waldo

Sharpe, W., Clerk of the Council

Waldo, Samuel, merchant, of Boston (agent for Ralph Gulston)

Description

Action of trespass relating to the cutting of trees in Maine reserved to the crown for the Royal Navy

Disposition

Reversed

Notes

Jonathan Belcher was, at this time, the Governor of both Massachusetts and New Hampshire.

For information about the relationship in this period between Maine and Massachusetts, see Wroth, “Maine Connection.”

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Leighton v Frost) (extensive discussion relating to the failure in Massachusetts to carry out the Order in Council for many years)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1737_01

Stoddard v Jones

Massachusetts

Case Name Short Stoddard v Jones

Case Name Long Anthony Stoddard, William Stoddard and William Clarke v John and Hannah Jones, Elizabeth Willard, Hebzibah Mortimer, Mary Alden and Thomas Alden, Elizabeth Alden, Ann Alden, Mary Brightman, Nathaniel and Hepzibah Howard, Elizabeth Butterly, Peter and Lydia Briton, Zachariah Alden, Samuel and Mary Kneeland, Timothy and Elizabeth Green, and Nathaniel Alden

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [409] p.568 – 21 April 1737 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.215: PC 2/94/215

[view](#)

APC Citation v.3 [409] p.568 – 12 January 1738 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.295–297, 365–366: PC 2/94/295–297, 365–366

[view](#)

Colonial Courts

Courts of Massachusetts Bay (unspecified) – 18 September 1733, 23 April 1734, and third Tuesday of April 1736

Participants

Alden, Ann
Alden, Elizabeth
Alden, John
Alden, Mary (there may be multiple defendants named Mary Alden)
Alden, Nathaniel
Alden, Thomas
Alden, Zachariah
Brightman, Mary
Briton, Lydia (wife of Peter Briton)
Briton, Peter (husband of Lydia Briton)
Butterly, Elizabeth
Clap, Ezra (tenant on disputed land)
Clarke, William of Boston
Green, Elizabeth (wife of Timothy Green)
Green, Timothy (husband of Elizabeth Green)
Howard, Hepzibah (wife of Nathaniel Howard)
Howard, Nathaniel (husband of Hepzibah Howard)
Jones, Hannah (wife of John Jones)
Jones, John (husband of Hannah Jones)
Kneeland, Mary (wife of Samuel Kneeland)
Kneeland, Samuel (husband of Mary Kneeland)
Lyon, Samuel (tenant on disputed land)
Mortimer, Hebzibah
Stoddard, Anthony of Boston
Stoddard, William, merchant, of Boston
Willard, Elizabeth

Description

Land (trespass and ejectment)

Disposition

Dismissed

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

According to Smith (p.162), this is the only real action in Massachusetts in which there was no preliminary petition for leave to appeal, a situation quite customary in that colony where the charter provision for appeals mentioned only personal actions.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Stoddard v Jones)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

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Appeals to the Privy Council

Report No. 05_1737_02

Pelham v Stone

Massachusetts

Case Name Short Pelham v Stone

Case Name Long Herbert Pelham v Samuel Stone, Isaac Hunt and Thomas Bent

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [414] p.573 – 21 July 1737 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.271: PC 2/94/271

[view](#)

APC Citation v.3 [414] p.573 – 18 August 1737 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.274, 284: PC 2/94/274, 284

[view](#)

APC Citation v.3 [414] p.573–574 – 17 November 1738 – entry 3

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.309–310, 342–343: PC 2/94/309–310, 342–343

[view](#)

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.20, 24–26, 5: PC 2/95/20, 24–26, 5

[view](#)

APC Citation v.3 [414] p.574 – 30 November 1738 – entry 4

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.38: PC 2/95/38

[view](#)

Colonial Courts

Inferior and Superior Courts of Judicature – 20 May 1735, 29 July 1735, 29 July 1736

Participants

Bent, Thomas

Fisk, Jonathan (one of the original defendants)

Hunt, Isaac

Pelham, Edward (son of deceased Herbert Pelham)

Pelham, Henry (son of deceased Herbert Pelham)

Pelham, Herbert (deceased father of Edward, Henry, Penelope, and Waldegrave Pelham)

Pelham, Herbert, esquire, of Bures Hamblett in the County of Essex (relation to deceased Herbert Pelham is uncertain)

Pelham, Penelope (daughter of deceased Herbert Pelham)

Pelham, Waldegrave (son of deceased Herbert Pelham)

Stone, Samuel

Description

Land (declaration in ejectment); at issue is the will of Herbert Pelham, deceased about 1673.

Disposition

Dismissed. The disposition turns on an issue regarding Doctors Commons, to wit, “that the exemplification of a will from Doctors Commons could not be read in Evidence to affect a Real Estate in the Colony of Massachusetts Bay . . .” according to the *APC*.

Notes

Related to another Privy Council appeal:

Pelham v Bannister – Report No. 05_1738_00 (*APC*, v.3 [428] p.590)

Both cases ultimately turn on the will of one Herbert Pelham, who died, probably, in 1673. The appellant, who is himself a resident of Essex in England, is almost certainly claiming that the senior Pelham is his ancestor. In both cases the Privy Council refuses to admit into evidence the senior Pelham’s will, which was registered in the Prerogative Court of Canterbury.

For the ‘declaration in ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Pelham v Stone)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1738_00

Pelham v Bannister

Massachusetts

Case Name Short Pelham v Bannister

Case Name Long Herbert Pelham v Samuel Bannister and Thomas Soden

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [428] p.590 – 12 January 1738 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.371: PC 2/94/371

[view](#)

APC Citation v.3 [428] p.590 – 23 January 1738 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.378–379, 392: PC 2/94/378–379, 392

[view](#)

APC Citation v.3 [428] p.590 – 22 March 1739 – entry 3

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.410–411, 415: PC 2/94/410–411, 415

[view](#)

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.5, 99, 100–103, 143: PC 2/95/5, 99, 100–103, 143

[view](#)

Colonial Courts

Courts of Massachusetts Bay – 20 May 1735, 29 July 1735, 27 January 1736

Participants

Bannister, Samuel, merchant

Marsh, Robert of Basinghall Street

Pelham, Herbert, esquire, of Bures Hamblett in Essex County

Soden, Thomas, yeoman

Description

Land (“Declaration in Ejectment . . . to recover Possession of several Tracts of Land with a dwelling house and Barn,” according to the Privy Council register)

Disposition

Dismissed “in the same manner and for the same reasons as Pelham’s earlier appeal against Samuel Stone and others” according to the *APC*

Notes

Related to another Privy Council appeal:

Pelham v Stone – Report No. 05_1737_02 (*APC*, v.3 [414] p.573)

Both cases ultimately turn on the will of one Herbert Pelham, who died, probably, in 1673. The appellant, who is himself a resident of Essex in England, is almost certainly claiming that the senior Pelham is his ancestor. In both cases the Privy Council refuses to admit into evidence the senior Pelham’s will, which was registered in the Prerogative Court of Canterbury.

For the ‘declaration in ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Pelham v Bannister)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1742_00

Francis v Jeffries

Massachusetts

Case Name Short Francis v Jeffries

Case Name Long Abraham Francis and John and Hannah Jones v John Jeffries, Jonathan Armitage, David Colson, Alexander Forsythe, Caleb Lyman, Jonas Clarke and Thomas Hutchinson

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [535] p.718 – 2 February 1742 – entry 1

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.74: PC 2/97/74

[view](#)

APC Citation v.3 [535] p.718 – 15 March 1742 – entry 2

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.112: PC 2/97/112

[view](#)

APC Citation v.3 [535] p.718 – 7 May 1742 – entry 3

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.127, 130–131, 137–138: PC 2/97/127, 130–131, 137–138

[view](#)

APC Citation v.3 [535] p.718 – 24 June 1742 – entry 4

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.165–166: PC 2/97/165–166

[view](#)

APC Citation v.3 [535] p.718–719 – 17 February 1743 – entry 5

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.211, 315, 325–328, 346, 392, 400–401: PC 2/97/211, 315, 325–328, 346, 392, 400–401

[view](#)

APC Citation v.3 [535] p.719 – 11 April 1745 – entry 6

PC Register Citation George II v.9 (1 October 1743 – 27 February 1745) p.597, 673, 676, 681–684: PC 2/98/597, 673, 676, 681–684

[view](#)

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.41–44: PC 2/99/41–44

[view](#)

Colonial Courts

Superior Court of Judicature – Boston – 8 August 1738

Participants

Armitage, Jonathan, selectman of Boston
Baron, Timothy, cordwainer
Billings, John, gentleman
Billings, Richard, taylor
Bromfield, Edward, selectman of Boston
Bunker, Benjamin, tin plate worker
Camo, Isaac, sadler
Clarke, Jonas, selectman of Boston
Clarke, Thomas, taylor
Colson, David, selectman of Boston
Craveth, Samuel, barber
Downes, William, selectman of Boston
Edwards, Samuel, goldsmith
Forsythe, Alexander, selectman of Boston
Francis, Abraham, merchant, of Boston in Suffolk County
Garrish, Samuel, bookseller
Hubbard, Thomas, in possession of the Brickshop
Hutchinson, Thomas, selectman of Boston
Jeffries, John, selectman of Boston
Jones, Hannah (wife of John Jones)
Jones, John, merchant, of Boston in Suffolk County (husband of Hannah Jones)
Lyman, Caleb, selectman of Boston
Rainger, Joseph, currier
Welch, John, carver
Winslow, Joshua, selectman of Boston

Description

Land in dispute in Boston being part of Bendalls Dock, formerly so called

Disposition

Affirmed

Notes

As the appeal proceeded, the makeup of the selectmen changed, with Bromfield, Downes, and Winslow replacing Lyman, Clarke, and Hutchinson. The case may also be referred to as Francis v The Selectmen of

Boston (Smith, p.436).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Francis v Jeffries; Francis v The Selectmen of Boston)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1749_00

Liebenrood v Dennie

Massachusetts

Case Name Short Liebenrood v Dennie

Not a 'true' appeal.

Case Name Long ____ Liebenrood v ____ Dennie

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [101] p.76 – 16 February 1749 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.187: PC 2/101/187

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Dennie, ____

Liebenrood, ____

Sharpe, John, esquire (appears for Dennie)

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1750_01

Shirley v Waldo

Massachusetts

Case Name Short Shirley v Waldo

Case Name Long Governor Shirley v Samuel Waldo

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [126] p.99 – 29 March 1750 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.539–540: PC 2/101/539–540

[view](#)

Colonial Courts

Superior Court – 5 September 1749

Participants

Shirley, Governor

Waldo, Samuel

Description

According to the *APC* entry, “in relation to several Bills of Exchange and Bills of Credit issued to the said Samuel Waldo for the Pay of One of the American Regiments”

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Governor is William Shirley.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1750_02

Knowles v Douglas

Massachusetts

Case Name Short Knowles v Douglas

Case Name Long Charles Knowles v Dr. William Douglas

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [136] p.107 – 16 August 1750 – entry 1

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.78–79: PC 2/102/78–79

[view](#)

Colonial Courts

Inferior Court – 5 January 1749

Superior Court – Boston – 15 August 1749 and February 1749

Participants

Douglas, Dr. William of Boston

Knowles, Charles, Rear Admiral of the White Squadron

Description

Libel action

Disposition

Not stated in *APC*, but, according to Smith (p.375), not prosecuted

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Knowles v Douglass)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1753_00

Vassall v Fletcher

Massachusetts

Case Name Short Vassall v Fletcher

Case Name Long William Vassall v William Fletcher

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [220] p.226 – 14 November 1753 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.428, 506–507: PC 2/103/428, 506–507

[view](#)

APC Citation v.4 [220] p.226 – 31 January 1754 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.14, 25–28, 32: PC 2/104/14, 25–28, 32

[view](#)

Colonial Courts

Inferior Court – first Tuesday in January 1752

Superior Court – Boston – third Tuesday in February 1752 and 12 December 1752

Participants

Fletcher, William

Vassall, William

Description

Slander and defamation

Disposition

Reversed; Fletcher is free to bring a new action in the Inferior Court after repaying Vassall the damages and costs with interest.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Vassall v Fletcher)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Vassall)	
	Counsel [Signed] W. Murray; Al. Forrester	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.44–45 (Includes separate pages of manuscript notes, f.78–84)	view
	Library Law Library of Congress: Sir George Lee collection	
Respondent's case	Case of the respondent (Fletcher)	
	Counsel [Signed] A. Hume-Campbell; C. Yorke	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.46–47 (Includes separate pages of manuscript notes, f. 78–84)	view
	Library Law Library of Congress: Sir George Lee collection (Includes manuscript notes)	view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents	Three additional items are in the British Library, Additional Manuscripts 36217:	
	(1) a manuscript copy with notes of Vassall's petition of appeal (f.70–73);	view
	(2) a manuscript copy of <i>Extracts from the laws of New England, relating to the authority and methods of proceedings in the courts there</i> (f. 74–77), and	view
	(3) a printed copy of <i>The State of the Action brought by William Fletcher against William Vassall for defaming him: tried in the Superiour Court at Boston, August Term, A.D. 1752 and now pending by appeal to his Majesty in Council</i> (Boston, 1753) (f.48–69).	view
Other Documents	Fletcher, <i>State of the Action</i> can also be found in Early American Imprints, Series 1.	

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1755_00

Bannister v Cunningham

Massachusetts

Case Name Short Bannister v Cunningham

Case Name Long John Bannister and Frances Bowen v Nathaniel Cunningham

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [261] p.285 – 6 February 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.323: PC 2/104/323

[view](#)

APC Citation v.4 [261] p.285 – 24 June 1755 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.439–440, 455: PC 2/104/439–440, 455

[view](#)

Colonial Courts

Superior Court – Boston – 19 February 1754

Participants

Bannister, John, merchant, of Newport in Rhode Island (brother of Frances Bowen and administrator of his deceased brother Samuel Bannister)

Bannister, Samuel, merchant, of Stonington, New London in Connecticut (deceased brother of John Bannister and Frances Bowen)

Bowen, Frances (sister of John and Samuel Bannister and widow of William Bowen of Boston)

Bowen, William, gentleman, of Boston (deceased husband of Frances Bowen)

Cunningham, Nathaniel

Description

Land (action of ejectment) in Boston

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

On the action of ejectment involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Bannister v Cunningham)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents See the extensive report on the colonial court proceedings in the parallel case of Banister v Henderson in Quincy, *Massachusetts Reports 1761–1772*, p. 119–159, with references to this case.

[view](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1764_00

Dudley v Richards

Massachusetts

Case Name Short Dudley v Richards

Case Name Long Thomas Dudley v Joseph and Elizabeth Richards, Benjamin and Rebecca Guerrish, Joseph Dudley, John and Mary Cotton, and Ann Dudley

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [573] p.688 – 20 July 1764 – entry 1

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.560: PC 2/110/560

[view](#)

APC Citation v.4 [573] p.688 – 3 August 1764 – entry 2

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.586, 601: PC 2/110/586, 601

[view](#)

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.186, 197–198, 444: PC 2/111/186, 197–198, 444

[view](#)

Colonial Courts

Superior Court – 18 September 1758

Superior Court – February 1763 (but entered on record as of October 1762)

Participants

Brown, Mr. (appears for respondents in Austin Friars)

Cotton, John (husband of Mary Cotton)

Cotton, Mary (wife of John Cotton)

Dudley, Ann, a minor

Dudley, Joseph (deceased grandfather of Thomas Dudley and father of William Dudley)

Dudley, Joseph

Dudley, Thomas, gentleman (son of William Dudley)

Dudley, William (deceased father of Thomas Dudley)

Guerrish, Benjamin (husband of Rebecca Guerrish)

Guerrish, Rebecca (wife of Benjamin Guerrish)

Richards, Elizabeth (wife of Joseph Richards)

Richards, Joseph (husband of Elizabeth Richards)

Sharpe, Joshua of Lincoln's Inn

Smith, Mr. (appears for respondents in Austin Friars)

Description

Land in dispute is a farm of 1000 acres at Manchaug or Mancheag.

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 27 July 1764 – PC 1/50/52

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [618] p.371

[view_APC](#)

Other Documents

Other Documents See the report on the colonial court proceedings in Quincy, *Massachusetts Reports 1761–1772*, p. 110–127, under the name Dudley v Dudley.

[view](#)

Other Documents Note also the Joshua Sharpe papers in the collection of Thomas Phillpps at the Library of Congress, Division of Manuscripts, which contain legal papers related to this appeal.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1767_00

Jeffries v Donnell

Massachusetts

Case Name Short Jeffries v Donnell

Case Name Long David Jeffries v Nathaniel Donnell

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [51] p.119 – 18 November 1767 – entry 1

PC Register Citation George III v.5 (August 1766 – January 1768) p.520: PC 2/112/520

[view](#)

APC Citation v.5 [51] p.119 – 26 February 1768 – entry 2

PC Register Citation George III v.6 (January 1768 – April 1769) p.76, 88, 98–99: PC 2/113/76, 88, 98–99

[view](#)

APC Citation v.5 [51] p.119 – 14 June 1771 – entry 3

PC Register Citation George III v.6 (January 1768 – April 1769) p.163, 168, 484: PC 2/113/163, 168, 484

[view](#)

PC Register Citation George III v.8 (January – December 1771) p.264–265, 274: PC 2/115/264–265, 274

[view](#)

Colonial Courts

Inferior Court – 25 September 1764

Superior Court – 25 June 1765

Superior Court – 24 June 1766

Participants

Donnell, Nathaniel

Hayley, George, esquire, of Aliff Street in Goodman’s Fields

Jeffries, David of Boston

Wilsonn, Richard, laceman, of Lombard Street

Description

Land (action of ejectment); “near” 2000 acres between Merrymeeting Bay and Winnegance.

Disposition

Reversed; parties are free to proceed to a new trial in the Superior Court.

Notes

On the action of ejectment involved here, see [Additional Research](#).

As Smith (p.164) notes, this appeal was a part of the Kennebec Proprietors litigation with local settlers.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Jeffries v Donnell)

DOCUMENTATION

Printed Cases

Appellant’s case	Case of the appellant (Jeffries)	
	Counsel	[Signed] Wm. DeGrey; Al. Forrester
	Note	Appendix to the case of the appellant
	Library	Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Includes manuscript notes and appendix) view
Respondent’s case	Case of the respondent (Donnell)	
	Note	Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Order of reference – 18 Nov. 1767 – PC 1/53/60	view_Document
	Notes about Document	Referenced in <i>APC</i> , v.6 [761] p.453–454 view_APC
TNA Document	Committee report – 23 Feb. 1768 – PC 1/54/63	view_Document
	Notes about Document	Referenced in <i>APC</i> , v.6 [783] p.461 view_APC
TNA Document	Committee report – 12 June 1771 – PC 1/60/9	view_Document
	Catalogued as	Catalogued by TNA with draft order as follows: Committee report on appeal Jeffries v Donnell and draft order approving
TNA Document	Draft order – 14 June 1771 – PC 1/60/9	view_Document

Appeals to the Privy Council

Report No. 05_1768_00

Apthorpe v Pateshall

Massachusetts

Case Name Short Apthorpe v Pateshall

Case Name Long Charles Ward Apthorpe v Richard Pateshall

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [56] p.122–123 – 15 January 1768 – entry 1

PC Register Citation George III v.6 (January 1768 – April 1769) p.7: PC 2/113/7

[view](#)

APC Citation v.5 [56] p.123 – 17 February 1768 – entry 2

PC Register Citation George III v.6 (January 1768 – April 1769) p.55–56, 60: PC 2/113/55–56, 60

[view](#)

Colonial Courts

Superior Court – June 1766

Participants

Apthorpe, Charles Ward

Pateshall, Richard of Boston (administrator of Robert Pateshall)

Pateshall, Robert, deceased

Description

Proceedings to dismiss for non-prosecution an appeal brought by Apthorpe against a judgment of the Superior Court of Masschusetts.

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Apthorpe v Pateshall)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document

Committee report – 9 Feb. 1768 – PC 1/54/63

[view_Document](#)

Notes about Document

Referenced in *APC*, v.6 [783] p.461

[view_APC](#)

Other Documents

Other Documents

See the report of the colonial court proceedings in Quincy, *Massachusetts Reports 1761–1772*, p. 179–187.

[view](#)

ADDITIONAL RESEARCH

It is virtually certain that the case that Smith found (p.166) in the Massachusetts Superior Court of Judicature Judgment [*recte* Record] Book, 1766–1767, f.9[v–10v], the case reported in *Quincy's Reports* (see Other Documents), and the case that is the subject of the Privy Council proceedings (see the Committee Report in TNA Documents) are the same case. The parties have the same names, the dates match, the folio reference that Smith gives matches the reference that Quincy gives on p.186, and Quincy tells us that Apthorpe's counsel moved to take an appeal to the Privy Council, which motion was granted.

A telling correction in the Record Book suggests that Robert Pateshall died during the pendency of the case in the Inferior Court. All of the records that we have are brought in the name of Richard Pateshall, his administrator. Quincy is a bit vague on this point, but nothing that he says contradicts it.

That the entry in the Record Book is for an action of trespass on the case, whereas the case that Quincy reports is described as one of account, can be easily explained: The writ is transcribed in full in the Record Book, and it is for the common count of *insimul computasset*, a subform of trespass on the case. That that is the writ to which Quincy is referring is apparent from his report of the case. We should not be thinking here of the older, and by this time obsolete, personal action of account.

The discrepancy in the numbers is more troubling. *Quincy's Reports* mention no amounts. According to the Committee Report, the Superior Court, hearing the case by writ of review, had reduced a judgment against

Apthorpe for £767 5s. 6½d. to £542, from which judgment Apthorpe had appealed (presumably to have the amount further reduced or the judgment vacated entirely), and his appeal was allowed. Smith reports that the action was for £800, but that an appeal was allowed from a judgment of approximately £226 5s. 2d., which is not even close to amount mentioned in the Privy Council documentation.

Eight hundred pounds is the amount that Apthorpe claimed in his petition for review. As the record shows, it includes the £767 5s. 6½d., probably also the costs awarded in the first hearing, and, we must imagine, a ‘rounding up’ for what today we would call ‘incidental and consequential damages’.

We can explain the discrepancy in the amount of the judgment appealed from if we assume that after the appeal had been taken and the documents sent to England but before the judgment was finally entered, the parties agreed to a compromise. (That Pateshall would have been willing to compromise is suggested by the fact, as pointed out by the recent editors of *Quincy’s Reports*, that the judgment of the Superior Court was almost certainly wrong as a matter of law.) Because of the compromise, Apthorpe did not pursue his appeal after it had been allowed. It was left to Pateshall to get the appeal dismissed for lack of prosecution. Another possibility is that Pateshall’s solicitor, who appeared *ex parte* before the Committee, or the clerk of the Committee, just got it wrong. After all, if the issue is whether an appeal should be dismissed for lack of prosecution, the amount of the judgment appealed from is quite irrelevant.

Charles Donahue, Jr.

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Appeals to the Privy Council

Report No. 05_1774_00

Wentworth v Bowdoin

Massachusetts

Case Name Short Wentworth v Bowdoin

Case Name Long John Wentworth v James Bowdoin and William Bowdoin, James Pitt, Silvester Gardiner and Benjamin Hallowell

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [304] p.400–401 – 14 September 1774 – entry 1

PC Register Citation George III v.11 (May 1774 – May 1775) p.213–214: PC 2/118/213–214

[view](#)

PC Register Citation George III v.12 (June 1775 – May 1776) p.34–35: PC 2/119/34–35

[view](#)

Colonial Courts

Vice Admiralty – 3 May 1773

Participants

Bowdoin, James

Bowdoin, William

Gardiner, Silvester

Hallowell, Benjamin

Pitts, James

Wentworth, John, Surveyor General of H. M. woods in North America

Description

Forfeiture of logs seized in Kennebec River

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Smith lists no appeals from the Vice Admiralty Court in Massachusetts to the Privy Council. We have chosen to include this entry pending further investigation.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 05_1775_00

Pease v Pullibank

Massachusetts

Case Name Short Pease v Pullibank

Case Name Long Simon Pease v Abraham Pullibank

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [315] p.409 – 12 May 1775 – entry 1

PC Register Citation George III v.11 (May 1774 – May 1775) p.510: PC 2/118/510

[view](#)

Colonial Courts

Vice Admiralty Court – Boston – 7 February 1775

Participants

Pease, Simon, merchant, of Newport in Rhode Island
Pullibank, Abraham, customs officer

Vessels

Abigail (schooner)

Description

Seizure by customs officer

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Smith lists no appeals from the Vice Admiralty Court in Massachusetts to the Privy Council. We have chosen to include this entry pending further investigation.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 05_1776_00

Appeal of Beale

Massachusetts

Case Name Short Beale, appeal of

Case Name Long Lieutenant Richard Beale, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [331] p.438 – 26 January 1776 – entry 1

PC Register Citation George III v.12 (June 1775 – May 1776) p.308, 344: PC 2/119/308, 344

[view](#)

Colonial Courts

Vice Admiralty Court – Boston – 7 February 1775

Participants

Beale, Lieutenant Richard, HMS *Mercury*

Rose, Joseph, master of the *Industry*

Vessels

Industry (schooner)

HMS *Mercury*

Description

Condemnation

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Smith lists no appeals from the Vice Admiralty Court in Massachusetts to the Privy Council. We have chosen to include this entry pending further investigation.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1683_00

Walton v Walford
Barefoot v Wadleigh

New Hampshire

Case Name Short Walton v Walford
Barefoot v Wadleigh

Case Name Long Georg Walton v Jeremy Walford and John Amazeen
Walter Barefoot v Robert Wadleigh

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSI](#)

APC Citation v.2 [123] p.52–53 – 25 August 1683 – entry 1

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.34: PC 2/70/34

APC Citation v.2 [123] p.53 – 24 October 1683 – entry 2

CSP Citation VI no. 1324

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.48: PC 2/70/48

APC Citation v.2 [123] p.53 – 23 January 1684 – entry 3

CSP Citation VI no. 1513 and 1518

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.107, 108: PC 2/70/107, 108

[view](#)

[view](#)

[view](#)

Colonial Courts

Unnamed

Participants

Amazeen, John, planter, of New England
Barefoot, Walter
Wadleigh, Robert (also appears as attorney for Walford and Amazeen)
Walford, Jeremy, planter, of New England
Walton, Georg

Description

Both cases relate to the Masonian land claims in New Hampshire, according to Smith (p.118).

Disposition

Both dismissed for non-prosecution

Notes

Smith notes Edward Randolph as counsel for appellants (p.107).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Walton v Walford; Barefoot v Wadleigh)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1684_00

Vaughan v [Martin]
Vaughan v [Mason]
Vaughan v [Rex]
[*In re The Diligence*]

New Hampshire

Case Name Short Vaughan v [Martin]
Vaughan v [Mason]
Vaughan v [Rex]
[*In re The Diligence*]

Case Name Long William Vaughan v [Richard Martin]
William Vaughan v [Robert Mason]
William Vaughan v [Rex]
[*In re The Diligence*]

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [156] p.69 – 11 July 1684 – entry 1

CSP Citation VI no. 1800

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.201: PC 2/70/201

[view](#)

APC Citation v.2 [156] p.69 – 8 April 1685 – entry 2

CSP Citation VII no. 118

PC Register Citation James II v.1 (6 February 1685 – 18 March 1687) p.65: PC 2/71/65

[view](#)

APC Citation v.2 [156] p.69–70 – 29 April 1685 – entry 3

PC Register Citation James II v.1 (6 February 1685 – 18 March 1687) p.70, 73, 74: PC 2/71/70, 73, 74

[view](#)

APC Citation v.2 [156] p.70 – 28 June 1686 – entry 4

PC Register Citation James II v.1 (6 February 1685 – 18 March 1687) p.292: PC 2/71/292

[view](#)

APC Citation v.2 [156] p.70 – 3 July 1686 – entry 5

CSP Citation VII no. 748

PC Register Citation James II v.1 (6 February 1685 – 18 March 1687) p.292–293: PC 2/71/292–293

[view](#)

APC Citation v.2 [156] p.70 – 19 November 1686 – entry 6

CSP Citation VII no. 999

PC Register Citation James II v.1 (6 February 1685 – 18 March 1687) p.340–341: PC 2/71/340–341

[view](#)

APC Citation v.2 [156] p.70 – 10 December 1686 – entry 7

CSP Citation VII no. 1053–1056

PC Register Citation James II v.1 (6 February 1685 – 18 March 1687) p.355, 356–357: PC 2/71/355, 356–357

[view](#)

Colonial Courts

[Chancery decree – 22 May 1684 – re Martin]
[Unnamed – [6 November 1683 – re Mason]
[Quarter Sessions – 6 May 1684 – re *Rex*]
[Court of Pleas – 1 July 1684 – re *In re Diligence*]

Participants

Cranfield, Edward, Governor
[Martin, Richard]
[Mason, Robert]
Rex
Vaughan, William
Weare, Nathaniel (appears on behalf of Vaughan)

Vessels

[*Diligence* (ketch)]

Description

Vaughan v [Martin] – Dispute over Vaughan’s sharing in the payment of a judgment
Vaughan v [Mason] – Dispute over lands
Vaughan v [Rex] – Fine imposed for assault on customs officer
[*In re The Diligence*] – Dispute over seizure of tobacco on vessel of which Vaughan was part owner

Disposition

Vaughan v [Martin] – Chancery decree reversed
Vaughan v [Mason] – Appeal dismissed
Vaughan v [Rex] – Appeal dismissed

[*In re The Diligence*] – Appeal dismissed

Notes

The description and disposition provided by Smith are supplemented by the detailed description of Vaughan v Martin and *In re The Diligence* in Page, *Judicial Beginnings in New Hampshire 1640–1700, passim*, and in the CSP.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Vaughan v Martin; Vaughan v Mason; Vaughan v Rex; *In re The Diligence*)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1700_00

Appeal of Allen

New Hampshire

Case Name Short Allen, appeal of

Not a ‘true’ appeal.

Case Name Long Samuel Allen, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [775] p.347 – 18 January 1700 – entry 1

CSP Citation XIII no. 42

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.410: PC 2/77/410

[view](#)

APC Citation v.2 [775] p.347 – 18 April 1700 – entry 2

CSP Citation XIII no. 336

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.7: PC 2/78/7

[view](#)

APC Citation v.2 [775] p.347 – 9 May 1700 – entry 3

CSP Citation XIII no. 412

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.24: PC 2/78/24

[view](#)

APC Citation v.2 [775] p.347–348 – 22 October 1700 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.85: PC 2/78/85

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Allen, Samuel, proprietor of New Hampshire

Partridge, Mr. (correspondent of London merchants, owners of the *Mary*)

Vessels

Mary

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

The *Mary* is allowed to sail to Lisbon and an outstanding bond cancelled.

Notes

The petitions of Allen and the London merchants (named in the *CSP* as William Crouch, Joseph Tatem, Henry Phillips, and others) relate to the possible improper shipping of wood from the colonies. The petitions are referred to the Board of Trade.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1701_00

Allen v Waldron

New Hampshire

Case Name Short Allen v Waldron

Case Name Long Samuel Allen (later Thomas Allen) v Richard Waldron

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [818] p.365 – 20 March 1701 – entry 1

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.174: PC 2/78/174

[view](#)

APC Citation v.2 [818] p.365 – 24 April 1701 – entry 2

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.191–192: PC 2/78/191–192

[view](#)

APC Citation v.2 [818] p.366 – 20 November 1701 – entry 3

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.275: PC 2/78/275

[view](#)

APC Citation v.2 [818] p.366 – 18 December 1701 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.285–286: PC 2/78/285–286

[view](#)

APC Citation v.2 [818] p.366 – 9 July 1702 – entry 5

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.177: PC 2/79/177

[view](#)

APC Citation v.2 [818] p.366 – 23 July 1702 – entry 6

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.185: PC 2/79/185

[view](#)

APC Citation v.2 [818] p.366–367 – 17 December 1702 – entry 7

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.269–270: PC 2/79/269–270

[view](#)

APC Citation v.2 [818] p.367 – 11 October 1705 – entry 8

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.5: PC 2/81/5

[view](#)

APC Citation v.2 [818] p.367 – 16 May 1706 – entry 9

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.199–200: PC 2/81/199–200

[view](#)

APC Citation v.2 [818] p.367 – 26 June 1708 – entry 10

PC Register Citation Anne v.4 (5 March 1708 – 31 May 1710) p.119–120: PC 2/82/119–120

[view](#)

APC Citation v.2 [818] p.367 – 20 December 1708 – entry 11

PC Register Citation Anne v.4 (5 March 1708 – 31 May 1710) p.221: PC 2/82/221

[view](#)

APC Citation v.2 [818] p.367 – 30 December 1708 – entry 12

PC Register Citation Anne v.4 (5 March 1708 – 31 May 1710) p.227: PC 2/82/227

[view](#)

Colonial Courts

Superior Court of Judicature – 13 August 1700

[Inferior Court of Common Pleas] – 15 April 1707

[Superior Court of Judicature] – 12 August 1707

Participants

Allen, Samuel, proprietor of New Hampshire (father, later deceased, of Thomas Allen)

Allen, Thomas (son of Samuel Allen)

Hayter, Whitfield

Usher, John

Waldron, Richard

Description

Land (“appeal which relates to certain quit rents of land,” according to the *APC*; “Appeal . . . from a Verdict and Judgment . . . touching the Petitioner’s right, as the Proprietor, to certain Quit Rents of Land,” according to the Privy Council register)

Disposition

Allen (Samuel) v Waldron – Affirmed with liberty to bring a new action in courts of New Hampshire – December 1702

Allen (Thomas) v Waldron – Dismissal of Allen’s petition and affirmation of judgments of 15 April and 12 August 1707 – December 1708

Notes

Related to another Privy Council appeal:

Allen v Spencer – Report No. 05_1705_01 (*APC*, v.2 [972] p.489)

From a close reading of original documents, Smith (p.156) observes that the *APC* misstates one element of the

Allens’ litigation against Waldron. Thomas Allen was not in fact allowed a ‘revival’ of his father’s suit but did receive a renewal of an Order in Council issued on his father’s behalf that led to a new trial against Waldron. The verdict against Allen in this new trial is the one that the Privy Council affirms. The related action against Spencer also seems ultimately to have been unsuccessful.

For discussion of the underlying action involved here, see the note specific to this case in [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Allen [Samuel] v Waldron; Allen [Thomas] v Waldron) (extensive discussion)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Committee report – 10 Dec. 1701 – PC 1/46/3	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [43] p.9	view_APC
TNA Document	Committee report – 8 Dec. 1702 – PC 1/46/5	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [81] p.18	view_APC
TNA Document	Allen’s petition – read 17 Dec.1702 – PC 1/46/5	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [81] p.18	view_APC
TNA Document	Petitions (petition of June) – 26 June 1708 – PC 1/47/10	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [195] p.70	view_APC
TNA Document	Petitions (petition of August) – Aug. 1708 – PC 1/47/10	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [195] p.70	view_APC

Other Documents

Other Documents	See the pamphlet entitled: <i>A short narrative of the claim, title and right of the heirs of the Honourable Samuel Allen, Esq., deceased, to the province of New-Hampshire in New-England: transmitted from a gentlewoman in London, to her friend in New England</i> [Short Narrative].
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Appeals to the Privy Council

Report No. 06_1750_00

French v Folensby

New Hampshire

Case Name Short French v Folensby

Case Name Long Nathaniel French v Thomas Folensby, Peter Moss and Moses Calton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [131] p.100–101 – 31 May 1750 – entry 1

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.28–29: PC 2/102/28–29

[view](#)

APC Citation v.4 [131] p.101 – 28 June 1750 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.42–43: PC 2/102/42–43

[view](#)

Colonial Courts

Inferior Court – 6 September 1744

Superior Court – 4 February 1746

Court of Appeals – 10 May 1748

Participants

Calton, Moses of Kingstown

Folensby, Thomas of Haverhill

French, Nathaniel

Moss, Peter of Kingstown

Description

Land (upon an ejectment)

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

On the ejectment action involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (French v Follansby)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 06_1753_00

Appeal of Walker

New Hampshire

Case Name Short Walker, appeal of

Not a 'true' appeal.

Case Name Long Rev. Timothy Walker et al, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [202] p.197 – 7 February 1753 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.313: PC 2/103/313

[view](#)

APC Citation v.4 [202] p.197 – 26 March 1754 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.97: PC 2/104/97

[view](#)

APC Citation v.4 [202] p.197 – 18 July 1754 – entry 3 (This entry repeats the second.)

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.204: PC 2/104/204

[view](#)

APC Citation v.4 [202] p.197–198 – 22 July 1755– entry 4

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.465–466: PC 2/104/465–466

[view](#)

APC Citation v.4 [202] p.198 – 12 August 1755 – entry 5

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.470–471, 484–485, 498–499: PC 2/104/470–471, 484–485, 498–499

[view](#)

Colonial Courts

This is a petition, not an appeal from a colonial court action.

Participants

Walker, Rev. Timothy

Description

Petition asks that those aggrieved re land claims in New Hampshire be allowed to appeal though the value of individual parcels of land be below the minimum required.

Disposition

Privy Council grants Walker's request upon recommendation of the Attorney and Solicitor General and the representation of the Board of Trade.

Notes

This action grew out of the boundary settlement between New Hampshire and Massachusetts. The request preceded the appeal in Merrill v Proprietors of the Township of Bow, Report No. 06_1754_00 (APC, v.4 [231] p.239).

Additional Sources

The Joshua Sharpe papers in the collection of Thomas Phillipps at the Library of Congress, Division of Manuscripts, contain legal papers related to this petition.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1754_00

Merrill v Proprietors of Bow

New Hampshire

Case Name Short Merrill v Proprietors of the township of Bow

Case Name Long John Merrill v Proprietors of the township of Bow

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [231] p.239 – 28 March 1754 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.86–87, 101–102: PC 2/104/86–87, 101–102

[view](#)

APC Citation v.4 [231] p.239–243 – 24 June 1755 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.102, 111, 315, 415, 419–423, 454–455: PC 2/104/102, 111, 315, 415, 419–423, 454–455

[view](#)

Colonial Courts

Inferior Court of Common Pleas – Portsmouth – 7 March 1750/51

Superior Court of Judicature – second Tuesday in December 1752

Superior Court of Judicature – first Tuesday in August 1753

Participants

Merrill, John

Proprietors of the township of Bow

Stephens, Benjamin

Walker, Rev. Timothy

Wentworth, John, Lieutenant Governor of New Hampshire (1727)

Kilby, Christopher, esquire, of St. Martins in the Fields

Description

Land (“upon an Ejectment,” according to the Privy Council register). The conflict arises from the settling of the boundary of Massachusetts and New Hampshire.

Disposition

Reversed

Notes

Related to another Privy Council appeal:

Rolfe v Proprietors of Bow – Report No. 06_1762_00 (*APC*, v.4 [427] p.527)

See also the petition of the Rev. Timothy Walker, Report No. 06_1753_00 (*APC*, v.4 [202] p.197), requesting that an appeal to the Privy Council be allowed though the value of the land in question is less than the required minimum since the lands of many others, collectively meeting the minimum, depend upon the outcome.

On the ejectment action involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Merrill v Proprietors of Bow)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Merrill)	
	Counsel [Signed] W. Murray; R. Henley	
	Library Law Library of Congress: Sir George Lee collection	view
	Library Massachusetts Historical Society: 1796 Lib – XLg 7.29f (Manuscript notes limited to “N.B. Judgment for the Appellant”)	
	Library New Hampshire Historical Society: 977.8b B784me (Photocopy only)	
Respondent's case	Case of the respondent (Proprietors of the township of Bow)	ESTC: N473543
	Counsel [Signed] A. Hume-Campbell; Al. Forrester	
	Library Law Library of Congress: Sir George Lee collection (Noted in ESTC? No.)	view
	Library New York Public Library. Schwarzman Building: Rare Book Collection *KF+++ 1755 (Great Britain. Trade and Plantations Commissioners. John Merrill, appellant) (Includes manuscript notes) (Noted in ESTC? Yes.)	

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents

The appellant’s printed case at the Massachusetts Historical Society is found in a folder entitled ‘Briefs respecting the Controversy between Massachusetts and New Hampshire’. The folder also includes the respondents’ case in Rolfe v Proprietors of Bow, documents from the earlier royal commission to settle the boundary, and related maps. The maps at the British Library and in the Massachusetts Historical Society have not been compared.

Other Documents

Andrews, *Guide to Manuscript Materials*, references:

(1) British Library Additional Manuscripts 15487 f.96–103, Plans and Explanations of plans of Massachusetts and New Hampshire touching the boundary question and the bounds of certain towns as Rumford, Suncook, and Bow; and

[view](#)

(2) Additional Manuscripts 15489 f.5, which is the deposition in manuscript of B. Rolfe of Rumford regarding extracts from the “Proprietors Book of Rumford”.

[view](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1758_00

Trecothick v Wentworth

New Hampshire

Case Name Short

Trecothick v Wentworth

Case Name Long

Barlow Trecothick v Samuel Wentworth

<i>Acts of the Privy Council, Colonial Series</i>		view_APC
APC Citation	v.4 [362] p.393 – 4 September 1758 – entry 1	
PC Register Citation	George II v.17 (1 January 1758 – 21 May 1759) p.243: PC 2/106/243	view
APC Citation	v.4 [362] p.393–394 – 5 April 1762 – entry 2	
PC Register Citation	George III v.1 (25 October 1760 – 31 December 1761) p.359–360: PC 2/108/359–360	view
PC Register Citation	George III v.2 (1 January 1762 – 30 April 1763) p.123–125, 169: PC 2/109/123–125, 169	view

Colonial Courts
[Inferior Court of Common Pleas] – 5 June 1755
[Superior Court of Judicature] – February 1756
Superior Court – Portsmouth – 20 September 1757

Participants
Pierson, John
Trecothick, Barlow, merchant, of London
Wentworth, Ebenezar
Wentworth, Samuel

Description
Action for £5770 16s in Massachusetts bills of credit of the old tenor, according to the *APC*

Disposition
Reversed with direction as to the proper amount and currency for payment

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Trecothick v Wentworth)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Trecothick)	
	Counsel	[Signed] C. Pratt; C. Yorke
	Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.151–153 (Includes manuscript notes) view
Respondent's case	Case of the respondent (Wentworth)	
	Note	Not found

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

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Appeals to the Privy Council

Report No. 06_1759_01

Sherburne v Sherburne

New Hampshire

Case Name Short Sherburne v Sherburne

Case Name Long John Sherburne v Samuel Sherburne, Peter and Dorothy Gillman, Joseph and Anne Langdon

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [382] p.411 – 15 March 1759 – entry 1

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.442: PC 2/106/442

[view](#)

APC Citation v.4 [382] p.411 – 2 January 1762 – entry 2

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.16: PC 2/109/16

[view](#)

APC Citation v.4 [382] p.411–412 – 5 April 1762 – entry 3

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.127–130, 168: PC 2/109/127–130, 168

[view](#)

Colonial Courts

Court of Probates – 29 April 1758

Supreme Court of Probate of Wills – 29 June 1758

Participants

Brown, Arthur

Gillman, Dorothy Sherburne (sister of John Sherburne, Samuel Sherburne, Anne Langdon, and Henry Sherburne; daughter of the elder Henry Sherburne; and wife of Peter Gillman)

Gillman, Peter (husband of Dorothy Sherburne Gillman)

Haven, Rev. Samuel

Langdon, Anne Sherburne (sister of John Sherburne, Samuel Sherburne, Dorothy Gillman and Henry Sherburne; daughter of the elder Henry Sherburne; and wife of Jospeh Langdon)

Langdon, Joseph (husband of Anne Sherburne Langdon)

Langdon, Rev. Samuel

Paris, F.J.

Parker, William

Sherburne, Henry (deceased father of John Sherburne, Samuel Sherburne, Dorothy Gillman, and Anne Langdon, and of Henry Sherburne, deceased)

Sherburne, Henry (deceased brother of John Sherburne, Samuel Sherburne, Dorothy Gillman, and Anne Langdon, and deceased son of the elder Henry Sherburne)

Sherburne, Henry (son of the younger Henry Sherburne and grandson of the elder Henry Sherburne)

Sherburne, John (son of the elder Henry Sherburne)

Sherburne, John (son of John Sherburne and grandson of the elder Henry Sherburne)

Sherburne, Samuel (brother of John Sherburne, Dorothy Gillman, Anne Langdon, and Henry Sherburne, and son of the elder Henry Sherburne)

Wibird, Richard

Description

Dispute over the will of the elder Henry Sherburne

Disposition

Reversed in part; affirmed in part, as the Court of Probates “has no jurisdiction so far as the will relates to real estates,” according to the *APC*

DOCUMENTATION

Printed Cases

Appellant's case Case of the appellant (Sherburne) ESTC: T91656

Counsel [Signed] G. Hay; Wm. DeGrey; Paule Feilde

Library British Library: Additional Manuscripts 15489 f.22–23 (Preceded by Additional Manuscripts 15489 f.19–21 which is a manuscript copy of An Act for the Settlement and Distribution of the Estate of Intestates, enacted 13 May 1718. See Andrews, *Guide to Manuscript Materials*, p.96.) (Noted in ESTC? Yes.)

Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.147–148 (Includes manuscript notes) (Noted in ESTC? No.)

[view](#)

Respondent's case Case of the respondent (Sherburne) ESTC: N66141

Counsel [Signed] C. Yorke; Al. Forrester

Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.149–150 (Includes manuscript notes) (Noted in ESTC? No.)

[view](#)

Library New York Public Library: (?) (The ESTC [N66141] lists a copy of the respondent's case at the New York Public

Library, but a vigorous search by a librarian failed to find evidence of NYPL ownership.) (Noted in ESTC? Yes.)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents The New Hampshire Historical Society holds a bound volume of Sherburne family papers that includes the will of Henry Sherburne, Sr., with affidavits, and certified copies documenting the controversy over the estate.

Other Documents The New Hampshire “Act for the Settlement and Distribution of the Estate of Intestates” of 13 May 1718 that was at issue in this case is printed in *New Hampshire, Laws 1718*, p. 102–104. It is reproduced [here \(pdf\)](#) from the Early American Imprints, series 1, Evans no. 1985. (The reproduction is not great, and the original, which we have not seen, may not be either. But with a struggle, it can be read.)

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Appeals to the Privy Council

Report No. 06_1759_02

Dering v Packer

New Hampshire

Case Name Short Dering v Packer

Case Name Long Thomas Dering v Thomas Packer

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [407] p.433 – 9 November 1759 – entry 1

PC Register Citation George II v.18 (2 May 1759 – 10 July 1760) p.189: PC 2/107/189

[view](#)

APC Citation v.4 [407] p.433–436 – 11 July 1760 – entry 2

PC Register Citation George II v.18 (2 May 1759 – 10 July 1760) p.431, 435, 436, 437, 438, 439, 443: PC 2/107/431, 435, 436, 437, 438, 439, 443

[view](#)

Colonial Courts

Inferior Court of Common Pleas – 8 December 1757

Chancery

Superior Court – 12 December 1758 – affirming judgments of 8 December 1757 and 10 June 1758

Participants

Dering, Henry, deceased

Dering, Thomas of Boston (executor of Henry Dering)

Nelson, William

Packer, Thomas of Portsmouth

Smith, Jeremiah

Description

Payment of a debt. The case arises from the impact of depreciation of various colonial currencies.

Disposition

Reversed “except the verdict and judgment of the Superior Court of Judicature for the penalty of the bonds and costs,” according to the *APC*.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Dering v Packer)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Dering)	
	Counsel [Signed] C. Pratt; Al. Forrester	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.44–45 (Includes manuscript notes)	view
Respondent's case	Case of the respondent (Packer)	
	Counsel [Signed] C. Yorke; W. DeGrey	
	Note Appellant's name is spelled Deering on respondent's printed case.	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.46–48 (Includes manuscript notes)	view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents Dallas, *Reports 4* (4 U.S. [4 Dall.]), p.xxiii–xxv [at the back of the volume] (1807), contains a report on the hearing of Dering v Packer before the Council. The note in Dallas indicates that “this report is taken from a collection of manuscript cases, upon authority, that appeared respectable when it was copied: but the name of the reporter is forgotten.” Smith (p.502) suggests that the notes were probably those of Jared Ingersoll.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1762_00

Rolfe v Proprietors of Bow

New Hampshire

Case Name Short Rolfe v Proprietors of Bow

Case Name Long Benjamin Rolfe, Daniel Carter, Timothy Simons, John Evans, John Chandler, Abraham Colby and Abraham Kimball v Proprietors of Bow

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [472] p.527 – 15 February 1762 – entry 1

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.74–75: PC 2/109/74–75

[view](#)

APC Citation v.4 [472] p.527–530 – 29 December 1762 – entry 2

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.433, 441, 442, 443, 444, 445, 453: PC 2/109/433, 441, 442, 443, 444, 445, 453

[view](#)

Colonial Courts

Inferior Court – September 1760

Superior Court – November 1760

Participants

Ayer, William

Carter, Daniel

Chandler, John

Colby, Abraham

Endicott, [John], former Governor of Massachusetts

Evans, John

Kimball, Abraham

Lovewell, Capt. John

Melvin, David

Proprietors of Bow

Rolfe, Benjamin

Simons, Timothy

Wentworth, John, former Governor of New Hampshire

Description

Land (“upon an Ejectment,” according to the Privy Council register). The conflict arises from the settling of the boundary of Massachusetts and New Hampshire.

Disposition

Reversed

Notes

Related to another Privy Council appeal:

Merrill v Proprietors of the township of Bow – Report No. 06_1754_00 (*APC*, v.4 [231] p.239)

On the ejectment action involved here, see [Additional Research](#).

References in *Smith, Appeals to the Privy Council from the American Plantations*

Table of Cases (Rolfe v Proprietors of Bow)

DOCUMENTATION

Printed Cases

Appellant's case		Case of the appellant (Rolfe)	
Counsel		[Signed] Wm. DeGrey (spelled here DeGray); Al. Wedderburn	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.181–184 (Includes manuscript notes)	view
Library		New Hampshire Historical Society: 977.8bB784r	
Respondent's case		Case of the respondent (Proprietors of Bow)	ESTC: N62941
Counsel		[Signed] C. Yorke; Al. Forrester	
Note		Appendix to the case of the respondent and also a map	
Library		American Antiquarian Society: LNhL Bow Grea N762 PF (Lacks appendix and map) (Noted in ESTC? Yes.)	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.185–188 (Includes manuscript notes and appendix, f.189–190, and map, f.191–192) (Noted in ESTC? No.)	view
Library		Massachusetts Historical Society: 1796 Lib.-XLg.7.29 (Lacks appendix; manuscript notes limited to minor	

underlining and the name of Thomas Hutchinson added in a margin) (Noted in ESTC? No.)
New Hampshire Historical Society: 977.8bB784r (Includes appendix) (Noted in ESTC? No.)

Library

Privy Council Documents in PC 1 at The National Archives at Kew
Not found

Other Documents

Other Documents

The respondent’s printed case at the Massachusetts Historical Society is found in a folder entitled ‘Briefs respecting the Controversy between Massachusetts and New Hampshire’. The folder also includes the appellant’s case in Merrill v Proprietors of Bow, documents from the earlier royal commission to settle the boundary, and related maps. The maps at the British Library and in the Massachusetts Historical Society have not been compared.

Other Documents

Andrews, *Guide to Manuscript Materials*, p.94, 95, references:

(1) British Library Additional Manuscripts 15487 f.96–103, Plans and Explanations of plans of Massachusetts and New Hampshire touching the boundary question and the bounds of certain towns as Rumford, Suncook, and Bow; and

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(2) Additional Manuscripts 15489 f.5, which is the deposition in manuscript of B. Rolfe of Rumford regarding extracts from the “Proprietors Book of Rumford”.

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Appeals to the Privy Council

Report No. 06_1765_00

Hilton v Fowler
Fowler v Hilton

New Hampshire

Case Name Short Hilton v Fowler
Fowler v Hilton

Case Name Long Josiah Hilton v Philip Fowler
Philip Fowler v Josiah Hilton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [601] p.717 – 23 March 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.164: PC 2/111/164

APC Citation v.4 [601] p.717 – 10 July 1765 – entry 2

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.261–262: PC 2/111/261–262

[view](#)

[view](#)

Colonial Courts

Court of Errors – 11 October 1763

Participants

Fowler, Philip
Hilton, Josiah
Holker, Mr. of St. Thomas the Apostle's (appears for Philip Fowler)

Description

Land

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Hilton v Fowler)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 06_1773_00

James v Moffatt

New Hampshire

Case Name Short James v Moffatt

Case Name Long William James v Samuel Moffatt and George Meserve

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [256] p.375 – 30 June 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.236, 379: PC 2/117/236, 379

[view](#)

PC Register Citation George III v.11 (May 1774 – May 1775) p.55–56: PC 2/118/55–56

[view](#)

Colonial Courts

Superior Court – September 1771

Governor and Council as a Court of Appeals – 8 October 1771

Participants

James, William of Bristol (partner of the firm of Lloyd and James)

Meserve, George, merchant, of Portsmouth

Moffatt, Samuel, merchant, of Portsmouth

Description

Action to recover £1551 13s 2d

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (James v Meserve)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 07_1696_00

Jones v Fullerton

New Jersey (East)

Case Name Short Jones v Fullerton

Case Name Long Jeffrie Jones v James Fullerton on the demise of the Proprietors of East Jersey

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [641] p.306 – 24 September 1696 – entry 1

PC Register Citation William III v.4 (2 December 1694 – 23 April 1697) p.520–521: PC 2/76/520–521

[view](#)

APC Citation v.2 [641] p.306–307 – 4 February 1697 – entry 2

PC Register Citation William III v.4 (2 December 1694 – 23 April 1697) p.578: PC 2/76/578

[view](#)

APC Citation v.2 [641] p.307 – 23 February 1697 – entry 3

PC Register Citation William III v.4 (2 December 1694 – 23 April 1697) p.585, 586: PC 2/76/585, 586

[view](#)

Colonial Courts

Court of Common Right – Amboy Perth – East New Jersey

Participants

Jones, Jeffrie (Geoffrey) of Elizabeth Towne in Essex County
Fullerton, James

Description

[Land claims] (in ejectment). This “cause arose in endeavors of the East New Jersey proprietors to enforce claims to land in the so-called ‘Elizabeth purchase’,” according to Smith (p.366 n.66).

Disposition

Reversed

Notes

There is good reason to doubt the reality of the lease to Fullerton, and there can be little doubt that the Proprietors of East Jersey were the real parties at interest in this case. See the note specific to this case in [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Jones v Fullerton) (extensive discussion)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 07_1712_00

Appeal of Crowley

New Jersey (East)

Case Name Short Crowley, appeal of

Not a 'true' appeal.

Case Name Long Mary Crowley and John Borrow, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1175] p.668 – 20 October 1712 – entry 1

PC Register Citation Anne v.6 (18 August 1712 – 31 July 1714) p.35: PC 2/84/35

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Borrow, John (executor of John Roys)

Crowley, Mary (executor of John Roys)

Roys, John, esquire, of East New Jersey, deceased

Willcox, ____

Windar, Charles of East New Jersey (deceased brother of James Windar)

Windar, James (brother of Charles Windar)

Description

Settlement of an estate

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 07_1716_00

Sonmans v Ormstone

New Jersey (East)

Case Name Short Sonmans v Ormstone

Not a 'true' appeal.

Case Name Long Peter Sonmans v Joseph and Rachel Ormstone and Joseph and Johanna Wright

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1256] p.709–710 – 6 July 1716 – entry 1

PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.425: PC 2/85/425

[view](#)

APC Citation v.2 [1256] p.710 – 25 October 1717 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.53: PC 2/86/53

[view](#)

APC Citation v.2 [1256] p.710 – 16 November 1717 – entry 3

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.69: PC 2/86/69

[view](#)

APC Citation v.2 [1256] p.710 – 14 January 1718 – entry 4

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.81–82: PC 2/86/81–82

[view](#)

APC Citation v.2 [1256] p.711 – 2 February 1718 – entry 5

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.90: PC 2/86/90

[view](#)

APC Citation v.2 [1256] p.711 – 12 July 1720 – entry 6

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.442: PC 2/86/442

[view](#)

Colonial Courts

Proceedings in the colony are mentioned but unclear if they resulted in a judgment in a court of law

Participants

Forster, Miles (husband of Rebecca Lawry Forster)

Forster, Rebecca Lawry (wife of Miles Forster and daughter of Gawen Lawry)

Haig, Mary Lawry (daughter of Gawen Lawry)

Lawry, Gawen (deceased father of Mary Haig and Rebecca Forster)

Ormstone, Joseph, merchant, of London (husband of Rachel Ormstone)

Ormstone, Rachel Sonmans (wife of Joseph Ormstone, sister of Peter Sonmans, and daughter of Arent Sonmans)

Sonmans, Arent (deceased father of Peter Sonmans, Rachel Ormstone, and Johanna Wright)

Sonmans, Peter, esquire (brother of Rachel Ormstone and Johanna Wright, and son of Arent Sonmans)

Wright, Johanna Sonmans (wife of Joseph Wright, sister of Peter Sonmans, and daughter of Arent Sonmans)

Wright, Joseph (husband of Johanna Wright)

Description

Land

Disposition

Final allocation of land amongst the parties is specified.

Additional Sources

See, at the British Library in Additional Manuscripts 38861 f.100–101, Peter Sonman's memorial, dated by the British Library as 1718.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 07_1773_00

Wickoff v Ouke

New Jersey

Case Name Short Wickoff v Ouke

Case Name Long Peter Wickoff and Joseph Reed v William Ouke

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [263] p.378 – 28 July 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.258–259: PC 2/117/258–259

[view](#)

Colonial Courts

Supreme Court – April 1770

Governor and Council as a Court of Errors

Participants

Forman, Ezekiel

Ouke, William, manager of Bill Island lottery

Reed, Joseph (assignee of Ezekiel Forman)

Wickoff, Peter (assignee of Ezekiel Forman)

Description

Action to recover on a lottery ticket, brought by Forman against Ouke

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Additional Sources

See in manuscript at the British Library the “petition of Wikoff” in Additional Manuscripts 15489 f.59–60.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 07_1775_00

Reid v Reed

New Jersey

Case Name Short Reid v Reed

Case Name Long John Reid v Joseph Reed

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [325] p.421 – 10 November 1775 – entry 1

PC Register Citation George III v.12 (June 1775 – May 1776) p.197: PC 2/119/197

[view](#)

Colonial Courts

Provincial Court – 21 May 1772

Governor and Council as a Court of Errors – 14 May 177____ (full date not given in the *APC*)

Participants

Reed, Joseph

Reid, John

Description

Dispute about land called Tunicam

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Additional Sources

See the contemporary pamphlet: *Reed v Reid*.

See also at the British Library a manuscript extract of letters from Joseph Reed to J. Sharpe to engage Wedderburn and Dunning in anticipation of a possible law suit in Additional Manuscripts 15489 f.57–58.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1680_00

Ward v Palmer

New York

Case Name Short Ward v Palmer

Case Name Long John Ward v Mrs. John Palmer

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.1 [1334] p.879 – January 28, 1680 – entry 1

CSP Citation V no. 1283

PC Register Citation Charles II v.15 (21 April 1679 – 29 May 1680) p.371: PC 2/68/371

[view](#)

APC Citation v.1 [1334] p.884–885 – March 9, 1680 – entry 2

PC Register Citation Charles II v.15 (21 April 1679 – 29 May 1680) p.425: PC 2/68/425

[view](#)

Colonial Courts

Mayor's Court – New York City – 22 July 1679

General Court of Assizes – 1–3 October 1679

Participants

Palmer, John (husband of widow of John Winder)

Palmer, Mrs. John (widow and administratrix for John Winder and wife of John Palmer)

Ward, John

Winder, John of City of New Yorke, deceased

Description

Indebtedness

Disposition

Sentence is repealed and made void. Judgment in Mayor's Court is affirmed.

Notes

There is an interesting discussion in the *CSP* (March 2, 1680) as to methods of payment, including wampum and beaver.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Ward v Palmer)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1681_01

Darvall v Hall

New York

Case Name Short Darvall v Hall

Case Name Long Thomas Darvall v Richard Hall

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [32] p.19 – 15 April 1681 – entry 1

CSP Citation VI no. 79

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.268: PC 2/69/268

[view](#)

APC Citation v.2 [32] p.19 – 7 December 1681 – entry 2

CSP Citation VI no. 314

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.421: PC 2/69/421

[view](#)

Colonial Courts

General Court of Assizes – City of New York – 6 and 7 October 1680

Participants

Darvall, Thomas, merchant

Hall, Richard

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Darvall v Hall)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1681_02

Dyer v Winder

New York

Case Name Short Dyer v Winder

Not a ‘true’ appeal.

Case Name Long Capt. William Dyer v Samuel Winder

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [47] p.24 – 14 September 1681 – entry 1

CSP Citation VI no. 229

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.356: PC 2/69/356

[view](#)

APC Citation v.2 [47] p.24 – 29 June 1682 – entry 2

CSP Citation VI no. 591

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.528: PC 2/69/528

[view](#)

APC Citation v.2 [47] p.24–25 – 3 August 1682 – entry 3

CSP Citation VI no. 642

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.542: PC 2/69/542

[view](#)

APC Citation v.2 [47] p.25 – 25 October 1682 – entry 4

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.552: PC 2/69/552

[view](#)

Colonial Courts

Court of Assises (see Notes)

Participants

Dyer, Capt. William

Winder, Samuel

Description

Accusation of high treason in levying customs within the province of New York

Disposition

According to the *APC*, Dyer’s bond is ordered delivered to him; “he may take his remedy at Law against the said Winder in New York or else where he shall think fit.” Winder fails to appear.

Notes

Goebel and Naughton, *Law Enforcement in Colonial New York*, p.224, notes that since there was no final judgment in the Court of Assises in New York, Dyer v Winder is not, strictly speaking, an appeal. He explains that “at a special Court of Assizes Dyer objected to the jurisdiction of the court, and after some debate it was decided to send the defendant to England, take the security of Winder to prosecute and refer the matter to the Privy Council. Dyer petitioned the Council and the matter was referred to the Lords Committee. In due course the case was dismissed as Winder did not appear to prosecute.”

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1683_00

Wright v Cornwall

New York

Case Name Short Wright v Cornwall

Case Name Long Robert Wright and Francis Pew v Robert Cornwall

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [110] p.46 – 14 February 1683 – entry 1

CSP Citation VI no. 941

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.634: PC 2/69/634

[view](#)

Colonial Courts

Court of Sessions – Gravesend for the West Riding of Yorks on Long Island – 21 December 1681

General Court of Assize – City of New Yorke – 4, 5, and 6 October 1682

Participants

Cornwall, Robert

Pew, Francis, gentleman

Wright, Robert, gentleman

Description

Land title, according to Smith (p.130)

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Wright v Cornwall)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1685_00

Billop v [West]

New York

Case Name Short Billop v [West]

Case Name Long Capt. [Christopher] Billop v ____ [West]

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [200] p.89 – 4 December 1685 – entry 1

CSP Citation VII no. 489

PC Register Citation James II Part I (6 February 1685 – 18 March 1687) p.167: PC 2/71/167

[view](#)

APC Citation v.2 [200] p.89 – 23 December 1685 – entry 2

CSP Citation VII no. 515

PC Register Citation James II Part I (6 February 1685 – 18 March 1687) p.181: PC 2/71/181

[view](#)

Colonial Courts

[New York City Mayor's Court – 6 June 1683]

Participants

Billop, Capt. [Christopher]
[West], ____

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

This action involves alleged illegal seizure of slaves and merchandise from a seized vessel. The attorney for John Bawdon and John and Thomas Temple of London, owners of the vessel, is referred to as John Wott in the heading of the case in Morris, *New York City Mayor's Court 1674–1784*, p.648, and the case is indexed in that volume as Wott v Billop on p.758, However, the text of Billop's petition and the Order in Council, transcribed in *id.*, p.650–652, refer to the attorney as John West. *APC*, v.2 [89] p.38–39 (appended to the linked view of *APC* above) concerns a related action against Capt. Billop from the West Indies.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Billop v West)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1692_00

Mauritz v Philips

New York

Case Name Short Mauritz v Philips

Not a ‘true’ appeal.

Case Name Long Jacob Mauritz v Frederick Philips

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [444] p.208 – 17 March 1692 – entry 1

CSP Citation VIII no. 2128

PC Register Citation William III v.2 (3 September 1690 – 29 September 1692) p.350: PC 2/74/350

[view](#)

APC Citation v.2 [444] p.208 – 12 May 1692 – entry 2

CSP Citation VIII no. 2226

PC Register Citation William III v.2 (3 September 1690 – 29 September 1692) p.398: PC 2/74/398

[view](#)

APC Citation v.2 [444] p.208 – 18 May 1693 – entry 3

PC Register Citation William III v.3 (1 October 1692 – 29 November 1694) p.156: PC 2/75/156

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Mauritz, Jacob

Philips (Flypse), Frederick, esquire

Vessels

Francis and Thomas, aka *St. Peter* (ship)

Description

Disposition of the *Francis and Thomas*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Not strictly an appeal but a petition of Jacob Mauritz, referred to the Lords of Trade and Plantations, claiming ownership of the vessel. See the various entries in the *CSP* for details. Mauritz claims to have been commissioned as a privateer by the rebel Jacob Leisler, for whom see Bayard v Rex (08_1702_02), Notes.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1699_00

Cruger v Depeyster

New York

Case Name Short Cruger v Depeyster

Case Name Long Valentine Cruger v Abraham Depeyster

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [767] p.345 – 23 October 1699 – entry 1

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.384: PC 2/77/384

[view](#)

APC Citation v.2 [767] p.345–346 – 19 December 1699 – entry 2

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.401: PC 2/77/401

[view](#)

APC Citation v.2 [767] p.346 – 21 December 1699 – entry 3

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.404: PC 2/77/404

[view](#)

APC Citation v.2 [767] p.346 – 5 December 1700 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.108: PC 2/78/108

[view](#)

APC Citation v.2 [767] p.346 – 12 June 1701 – entry 5

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.219: PC 2/78/219

[view](#)

Colonial Courts

Supream (Supreme) Court

Governor and Council of New York – 4 April 1698 (first appeal taken to the Privy Council from this proceeding)

Governor and Council of New York – 22 June 1700 (second appeal taken)

Participants

Cruger, Valentine

Depeyster, Abraham

Description

Case “touching matters of account” between the parties, according to the *APC*

Disposition

Judgment of Governor and Council of 4 April 1698 declared null and void. Appellant to proceed in “due form before the Governor and Council of New Yorke,” according to the *APC*. Decree of Governor and Council of 22 June 1700 reversed.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Tierens and Cruger v Depeyster)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1700_00

Alsop v Vaudall

New York

Case Name Short Alsop v Vaudall

Case Name Long Richard Alsop v Audry Vaudall

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [800] p.357 – 5 September 1700 – entry 1

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.81: PC 2/78/81

[view](#)

APC Citation v.2 [800] p.357 – 2 November 1700 – entry 2

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.95: PC 2/78/95

[view](#)

APC Citation v.2 [800] p.357 – 5 November 1700 – entry 3

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.102: PC 2/78/102

[view](#)

APC Citation v.2 [800] p.357 – 16 September 1701 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.258–259: PC 2/78/258–259

[view](#)

Colonial Courts

Lower court unnamed

Governor and Council of New Yorke (two actions: an initial confirmation of the lower court decision in favor of Alsop, followed by reversal by a new Governor and Council)

Participants

Alsop, Richard

Vaudall, Audry, widow

Description

Re “estate of houses and lands” in New York, according to the *APC*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Various spellings of respondent’s name – Vandall, Wandal, Wandall – can be found in Washburne, *Imperial Control*, p.60, and in item [872] of v.18 (1700) of the *CSP*.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1702_01

In re The Elizabeth and Catherine

New York

Case Name Short *In re* The Elizabeth and Catherine

Case Name Long *In re* The Elizabeth and Catherine

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [872] p.410 – 11 June 1702 – entry 1

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.148: PC 2/79/148

[view](#)

APC Citation v.2 [872] p.410 – 10 April 1703 – entry 2

PC Register Citation Anne v.1 (8 March 1702 – 18 January 1704) p.352: PC 2/79/352

[view](#)

Colonial Courts

Courts of Admiralty – New York – [June 1701 – discharging seizure]

[Supreme Court – August 1701 – issuance of a prohibition]

[Governor and Council – October 16, 1701 – confirming action of Supreme Court]

[Vice Admiralty Court – November 24, 1701 – condemnation upon a new information]

Participants

Wake, Elizabeth (widow of John Wake)

Wake, John, commander of the *Elizabeth and Catherine*, later deceased (husband of Elizabeth Wake)

Vessels

Elizabeth and Catherine

Description

Condemnation

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*. Smith (p.198) states that the appeal was not prosecuted.

Notes

Action at the lower level referred to as Weaver *q.t.* v Wake.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (*Elizabeth and Catherine, In re The*) (extensive discussion)

Additional Sources

The Bodleian Library at Oxford University holds in Rawlinson A272/128–132 a “duplicate of the condemnation of the ship *Elizabeth and Catherine* at a court of admiralty held in New York on Munday, November 24, 1701” and “the petition of John Wake and the owners of the ship *Elizabeth and Catherine* to the Board of Trade. September 16, 1701 with a letter from the Board of Trade,” as inventoried in Andrews, *Guide to Manuscript Materials*, p.390.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1702_02

Bayard v *Rex*
Hutchins v *Rex*

New York

Case Name Short Bayard v *Rex*
Hutchins v *Rex*

Case Name Long Col. Nicholas Bayard v *Rex*
John Hutchins v *Rex*

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.2 [875] p.412–413 – 18 June 1702 – entry 1	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.156: PC 2/79/156	view
APC Citation	v.2 [875] p.413 – 2 July 1702 – entry 2	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.169, 170: PC 2/79/169, 170	view
APC Citation	v.2 [875] p.413 – 9 July 1702 – entry 3	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.175: PC 2/79/175	view
APC Citation	v.2 [875] p.413 – 9 July 1702 – entry 4	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.177–178: PC 2/79/177–178	view
APC Citation	v.2 [875] p.414 – 17 December 1702 – entry 5	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.268: PC 2/79/268	view
APC Citation	v.2 [875] p.414 – 21 January 1703 – entry 6	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.295: PC 2/79/295	view
APC Citation	v.2 [875] p.414 – 18 December 1704 – entry 7	
PC Register Citation	Anne v.2 (20 January 1704 – 29 September 1705) p.229: PC 2/80/229	view
APC Citation	v.2 [875] p.414 – 8 January 1708 – entry 8	
PC Register Citation	Anne v.3 (11 October 1705 – 29 February 1708) p.493–494: PC 2/81/493–494	view

Colonial Courts

[Special commission of oyer and terminer – March 16, 1701/2 (Bayard)]

[Special commission of oyer and terminer – April 6, 1702 (Hutchins)]

Participants

Adderley, Henry, merchant
Atwood, William, chief judge in New York
Bayard, Col. Nicholas
Broughton, Sampson Shelton, Attorney General of New York
Cornbury, Lord, [Governor]
Hutchins, John, alderman
Lodwick, Charles, merchant
Rex
Weaver, Thomas, Solicitor General in New York

Description

High treason

Disposition

Judgment against Bayard and Hutchins nullified. Bayard and Hutchins ordered to be reinstated as if the prosecution never occurred. Two New York acts annulling the proceedings against Bayard and Hutchins confirmed and an Act of 1705 about Bayard repealed.

Notes

APC, v.2, Appendix III, p.850 – Colonial Acts confirmed or disallowed by the Privy Council, 1680–1720 – 8 January 1708. “2 Acts, both entitled, An Act Declaring the Illegality of the proceedings against Col. Nicholas Bayard and Alderman John Hutchins for pretended High Treason and for Revising and making Null and Voyd the said Judgement and all proceedings thereon, confirmed. An Act of 1705 relating to them but not quoted by its title is repealed.”

Smith (p.241) says these two cases are not strictly appeals but are more in the nature of the pardoning power of the Privy Council. They arose in the aftermath of the revolt led by Jacob Leisler in the previous decade.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Bayard v *Rex*; Hutchins v *Rex*) (extensive discussion)

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Petition of Bayard – 17 Dec. 1702 – PC 1/46/5	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [84] p.18–19	view_APC
TNA Document	Petition of Bayard (copy) – 17 Dec. 1702 – PC 1/46/5	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [84] p.18–19	view_APC
TNA Document	Order of reference to the Committee (Bayard) – 17 Dec. 1702 – PC 1/46/5	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [84] p.18–19	view_APC
TNA Document	Act reversing attainders. Board of Trade representation. – 15 Dec. 1704 – PC 1/46/6	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [128] p.31	view_APC

Other Documents

Other Documents	The following printed items are related to this case: <i>A Proclamation</i> [by] <i>John Nanfan, Esq; His Majesties lieut. governour and commander in [chief] in and over the province of New-York</i> [Nanfan, <i>Proclamation</i>]; <i>A narative</i> [sic] <i>of the treatment Coll. Bayard received from the time that sentence was passed against him to the time of his giving that petition which the lieut. governour & Council caused to be printed and published in justification of their proceedings against him</i> [Narrative of Col. Bayard]; <i>An Account of the illegal prosecution and tryal of Coll. Nicholas Bayard, in the province of New-York, for supposed high-treason, in the year 1702/3. Collected from several memorials taken by divers persons privately, the commissioners having strictly prohibited the taking the tryal in open court</i> [Account of Col. Bayard]; <i>An Act declaring the Illegality of the Proceedings against Coll. Nicholas Bayard and Alder-man John Hutchins for pretended High-Treason, and for Reversing and making Null and Void the said Judgments, and all Proceedings thereon</i> [New York, <i>Laws 1703</i>].	
Other Documents	Note also that the New-York Historical Society holds a collection of the papers of Nicholas Bayard that includes material pertaining to his trial for high treason.	

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1708_00

Appeal of Budge

New York

Case Name Short Budge, appeal of

Not a 'true' appeal.

Case Name Long Mr. Budge, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1041] p.528 – 8 January 1708 – entry 1

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.486: PC 2/81/486

[view](#)

Colonial Courts

Unnamed

Participants

Budge, Mr.
Cornbury, Lord

Description

Condemnation

Disposition

Order on the report of the Board of Trade that the judgment of the High Court of Admiralty be given effect

Notes

This appeal was from a judgment of the High Court of Admiralty.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1716_00

Gouverneur v DeBiemer

New York

Case Name Short Gouverneur v De Biemer

Not a ‘true’ appeal.

Case Name Long Abraham Gouverneur et al v Isaac De Biemer, sen.

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1251] p.708 – 10 March 1716 – entry 1

PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.350: PC 2/85/350

[view](#)

Colonial Courts

No final judgment below

Participants

De Biemer, Isaac, sen.

Gouverneur, Abraham

Description

Complaining of “a delay of justice in a cause depending before the Governor between them and Isaac De Biemer, senior,” according to the *APC*

Disposition

Not stated in the *APC*. Citing the N.Y. Chancery Mins., 1711/2–19, 55, Smith (p.239) says that “an appeal was granted on May 20, 1717 but the appeal body was not designated.”

Notes

The Privy Council’s register indicates that the petition asks that the Governor be required to give a speedy judgment in the matter.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Gouvernour et al v De Reimer). Note that Smith gives name as De Reimer.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1717_01

Appeal of Summers

New York

Case Name Short Summers, appeal of

Not a ‘true’ appeal.

Case Name Long Thomas Summers et al, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1269] p.720–721 – 15 July 1717 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.19: PC 2/86/19

[view](#)

Colonial Courts

Unnamed

Participants

Summers, Thomas, merchant, of Liverpoole (owner of the *Good Intent*)

Vessels

Good Intent (ship)

Description

Seizure and condemnation for alleged illegal trade

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Summers is indexed in the *APC* as an appeal. No particular court is specified. Smith lists no appeals to the Privy Council from the Vice Admiralty Court in New York. Hough, *New York Vice-Admiralty 1715–1788*, p.4–5, does reference an action involving the *Good Intent* in this time period. Whatever the court, Vice Admiralty or otherwise, whether Summers’s petition was in fact an ‘appeal’ in the technical sense of the term is unclear.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1717_02

Appeal of Smith

New York

Case Name Short Smith, appeal of

Not a ‘true’ appeal.

Case Name Long John Smith, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1277] p.727 – 5 September 1717 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.40–41: PC 2/86/40–41

[view](#)

APC Citation v.2 [1277] p.727 – 21 July 1718 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.160–161: PC 2/86/160–161

[view](#)

Colonial Courts

No indication of proceedings in a court in New York

Participants

Prior, Mr., British minister to France under Queen Anne

Renault, Chateau, French squadron leader

Smith, John of New York (owner of the *Three Brothers*)

Vessels

Three Brothers (ship)

Description

Seizure

Disposition

The matter is placed in the hands of the King “to renew to His Minister in France the like orders with those the petitioner has obtained . . . from the late Queen,” according to the *APC*.

Notes

This matter was determined in Admiralty.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1735_00

Mossesson v Norris

New York

Case Name Short Mossesson v Norris

Not a 'true' appeal.

Case Name Long Solomon Medina Mossesson, Moses Medina and Abraham Medina, and Roderigo Pacheto v Mathew Norris

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [341] p.459 – 3 April 1735 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.150: PC 2/93/150

[view](#)

Colonial Courts

Vice Admiralty Court – 4 September 1727

Participants

Medina, Abraham

Medina, Moses

Mossesson, Solomon Medina

Norris, Mathew, esquire

Pacheto, Roderigo

Description

Condemnation of snuff and tobacco as lawful prize

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

The petition of Mathew Norris requests that the appeal of Solomon Medina Mossesson, Moses Medina and Abraham Medina, and Roderigo Pacheto be dismissed for non-prosecution. Smith (p.188, referencing Norris v Four Casks, etc. of Snuff) states that this appeal was in fact to the Lords Commissioners for Hearing Prize Appeals though the wording in the APC and the entry in Hough, *New York Vice-Admiralty 1715–1788*, p.8–10, might imply otherwise.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Norris v Four Casks, etc., of Snuff)

Additional Sources

A copy of the printed case is found in the Lee collection of Prize cases at the New York Public Library (*KC +++ p.v.20–21). A copy in manuscript can be found at TNA (PC 1/58/B–B3).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1738_00

Brown v Philips

New York

Case Name Short Brown v Philips

Case Name Long Thomas Brown v Frederick Philips

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [454] p.619 – 30 November 1738 – entry 1

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.46: PC 2/95/46

[view](#)

APC Citation v.3 [454] p.619 – 27 December 1739 – entry 2

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.335, 441, 454–455, 492–493: PC 2/95/335, 441, 454–455, 492–493

[view](#)

Colonial Courts

Court of Probates – 5 August 1738 (sentence of Lieutenant Governor)

Participants

Brown, Thomas, merchant, of London

Caswell, John, merchant, of London, deceased

Lane, Henry (attorney for Thomas Brown)

Philips (Flypse), Frederick, esquire (administrator of estate of John Caswell)

Description

Contested granting of the administration of an estate

Disposition

Decree affirmed and appeal dismissed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1741_01

Pearse v Cummyns

New York

Case Name Short Pearse v Cummyns

Case Name Long Capt. Vincent Pearse v George Cummyns

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [527] p.703 – 19 November 1741 – entry 1

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.13–14: PC 2/97/13–14

[view](#)

APC Citation v.3 [527] p.703–704 – 23 March 1743 – entry 2

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.210, 259, 308–310, 345: PC 2/97/210, 259, 308–310, 345

[view](#)

Colonial Courts

Court of Admiralty

Court of Kings Bench

Court of Errors – 17 April 1741

Participants

Cummyns, George (owner of the *Restoration*)

Forbes, Alexander, master of the *Restoration*

Pearse, Vincent, late Captain of HMS *Flamborough*

Vessels

HMS *Flamborough*

Restoration (snow)

Description

Seizure and condemnation of the *Restoration* (prize)

Disposition

Judgment reversed, writs of consultation issued, and Admiralty Court ordered to proceed in original cause

Notes

Related to another Privy Council appeal:

Pearse v Key – Report No. 08_1741_02 (*APC*, v.3 [528] p.704)

Both cases concern the same issue, to wit, whether the vessel seized was at the time “on the high seas or within the body of the city of New York.”

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Pearse v Cummins)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1741_02

Pearse v Key

New York

Case Name Short Pearse v Key

Case Name Long Capt. Vincent Pearse v John Key and Michael Hubbard

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [528] p.704 – 19 November 1741 – entry 1

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.14: PC 2/97/14

[view](#)

APC Citation v.3 [528] p.704 – 23 March 1743 – entry 2

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.210, 259, 261, 305–308, 344–345: PC 2/97/210, 259, 261, 305–308, 344–345

[view](#)

Colonial Courts

Court of King’s Bench

Participants

Hubbard, Michael

Key, John

Pearse, Capt. Vincent

Vessels

Canary Merchant (ship)

Description

Seizure and condemnation of the *Canary Merchant* (prize)

Disposition

Judgment reversed, writs of consultation issued, and Admiralty Court ordered to proceed in original cause

Notes

Related to another Privy Council appeal:

Pearse v Cummyns – Report No. 08_1741_01 (*APC*, v.3 [527] p.703)

Both cases concern the same issue, to wit, whether the vessel seized was at the time “on the high seas or within the body of the city of New York.”

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Pearse v Key and Hubbard)

Additional Sources

See, at the British Library, a manuscript draft described as “proceedings in the case of Capt. Vincent Pearse, appt., and John Key and others, of New York, respts., 1740–1” in Additional Manuscripts 15489, f.118 *et seq.*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1742_00

Kennedy v Fowles

New York

Case Name Short Kennedy v Fowles

Case Name Long Archibald Kennedy v Thomas Fowles

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [538] p.720–721 – 10 March 1742– entry 1

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.107: PC 2/97/107

[view](#)

APC Citation v.3 [538] p.721 – 23 March 1743 – entry 2

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.134, 210, 314–315, 345–346: PC 2/97/134, 210, 314–315, 345–346

[view](#)

Colonial Courts

Court of Admiralty

Court of Kings Bench

Court of Errors – 17 April 1741

Participants

Fowles, Thomas

Kennedy, Archibald, esquire, Collector and Principal Officer of His Majestys Customs for the Port of New York

Vessels

Mary and Margaret (sloop)

Description

Seizure for illegal importation of goods

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Kennedy v Fowles)

Additional Sources

The New York State Library holds a manuscript draft of the appellant's printed case. The New-York Historical Society holds related papers involving the *Mary and Margaret*, though no printed case to the Privy Council has been located.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1765_01

Appeal of Etherington

New York

Case Name Short Etherington, appeal of

Not a 'true' appeal.

Case Name Long Robert Etherington, Waddle Cunningham, Elias Debrosses and Richard Thomas, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [591] p.701 – 14 February 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.93–94: PC 2/111/93–94

[view](#)

APC Citation v.4 [591] p.701 – 19 March 1765 – entry 2

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.145: PC 2/111/145

[view](#)

Colonial Courts

Unnamed

Participants

Cunningham, Waddle (administrator of James Wardrop)

Debrosses, Elias (owner of the *St. Stephen*)

Etherington, Robert (owner of the *Maxwell*)

Guillarie, Mr., master of the French snow *Bon Rencontre*

Thomas, Richard, master of the *St. Stephen*

Wardrop, James (deceased owner of the *Maxwell*)

Vessels

Bon Rencontre (snow)

Maxwell (ship)

St. Stephen (schooner)

Description

Condemnation

Disposition

Referred by the Committee to the Treasury

Additional Sources

For extensive files on the *Bon Rencontre*, see Hough, *New York Vice–Admiralty 1715–1788*, p.100–111.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 08_1765_02

Cunningham v Forsey

New York

Case Name Short Cunningham v Forsey

Case Name Long Waddell Cunningham v Thomas Forsey

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [615] p.727–728 – 10 July 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.262–263: PC 2/111/262–263

[view](#)

APC Citation v.4 [615] p.728 – 28 July 1765 – entry 2

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.289–291, 311: PC 2/111/289–291, 311

[view](#)

APC Citation v.4 [615] p.728 – 2 October 1765 – entry 3

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.366: PC 2/111/366

[view](#)

APC Citation v.4 [629] p.740 – 3 October 1765 – entry 1 (The APC lists these entries separately.)

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.370: PC 2/111/370

[view](#)

APC Citation v.4 [629] p.740 – 15 November 1765 – entry 2

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.406–407: PC 2/111/406–407

[view](#)

Colonial Courts

Supreme Court – October term 1764

Lieutenant-Governor and Council (an order denying an appeal to the Governor and Council)

Participants

Charles, Robert (agent for New York)

Cunningham, Waddell

Forsey, Thomas

Description

Action of trespass, assault and battery

Disposition

Final resolution not stated in *Acts of the Privy Council, Colonial Series*

Notes

APC, v.4 [629] p.740, discusses the timing of an alteration in the article of instructions to the Governor pertaining to the admission of appeals pending the resolution of Cunningham v Forsey. Conflicting interpretations of the article and actions thereon by the acting Governor had roused fears of an abrogation of jury trial. The article was clarified, confirming that only appeals ‘in error’ could be heard by the Governor and Council. See Smith’s treatment for detail.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Cunningham v Forsey) (extensive discussion)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Committee report – 17 July 1765 – PC 1/51/56	view_Document
Notes about Document	Referenced in APC, v.6 [667] p.403	view_APC
TNA Document	Petition of R. Charles – 14 Sept. 1765 – PC 1/51/56	view_Document
Notes about Document	Referenced in APC, v.6 [676] p.419	view_APC
TNA Document	Representation of the Board of Trade – 24 Sept. 1765 – PC 1/51/56	view_Document
Notes about Document	Referenced in APC, v.6 [676] p.419	view_APC
TNA Document	Report of the Attorney General and Solicitor General – 2 Nov. 1765 – PC 1/51/56	view_Document
Notes about Document	Referenced in APC, v.6 [676] p.419–420	view_APC
TNA Document	Committee report on the instructions – 19 Nov. 1765 – PC 1/51/56	view_Document
Notes about		

Document	Referenced in <i>APC</i> , v.6 [676] p.420	view_APC
TNA Document	Report of the Board of Trade – 22 Nov. 1765 – PC 1/51/56	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [676] p.420	view_APC
Other Documents		
Other Documents	See the printed pamphlet: <i>Forsey v Cunningham</i> .	
		view this report for printing

Appeals to the Privy Council

Report No. 08_1773_00

Van Rensselaer v Jackson

New York

Case Name Short Van Rensselaer v Jackson

Case Name Long John Van Rensselaer v James Jackson, Thomas Williams, Harme van Hoesen, William W., Cornelius, and Volckert G. Vandenbergh, Anthony van Tevere, and Dirk Bradt van Schoenhoven

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [240] p.358 – 15 January 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.18–19: PC 2/117/18–19

APC Citation v.5 [240] p.358 – 31 March 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.118, 127: PC 2/117/118, 127

[view](#)

[view](#)

Colonial Courts

Superior Court – 23 June 1763
Governor and Council – 19 June 1770

Participants

Jackson, James
van Hoesen, Harme (lessor of James Jackson)
van Rensselaer, John
van Schoenhoven, Dirk Bradt (lessor of James Jackson)
van Tevere, Anthony (lessor of James Jackson)
Vandenbergh, Cornelius (lessor of James Jackson)
Vandenbergh, Volckert G. (lessor of James Jackson)
Vandenbergh, William W. (lessor of James Jackson)
Williams, Thomas (lessor of James Jackson)

Description

Land dispute in the county of Albany

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Order of reference of the petition of James Jackson for dismissal – 15 Jan. 1773 – PC 1/60/10	view_Document
Catalogued as	Catalogued by TNA: Order referring to committee the petition of James Jackson and others for dismissing the appeal of John Van Rensselaer; 27 Mar. read at committee and dismissed for non-prosecution	
TNA Document	Committee report – 27 Mar. 1773 – PC 1/55/72	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [907] p.539	view_APC

[view this report for printing](#)

Appeals to the Privy Council

Report No. 09_1729_00

Gale v Everard

North Carolina

Case Name Short Gale v Everard

Not a ‘true’ appeal.

Case Name Long Christopher Gale v Sir Richard Everard, Baronet

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [182] p.247 – 26 June 1729 – entry 1

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.15: PC 2/91/15

[view](#)

APC Citation v.3 [182] p.247 – 17 July 1729 – entry 2

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.27: PC 2/91/27

[view](#)

APC Citation v.3 [182] p.247 – 17 July 1729 – entry 3

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.27: PC 2/91/27

[view](#)

APC Citation v.3 [182] p.248 – 31 July 1729 – entry 4

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.39: PC 2/91/39

[view](#)

APC Citation v.3 [182] p.248 – 23 October 1729 – entry 5

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.66–67: PC 2/91/66–67

[view](#)

APC Citation v.3 [182] p.248 – 19 November 1729 – entry 6

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.85: PC 2/91/85

[view](#)

Colonial Courts

Admiralty Court

Court of Chancery – 31 March 1729 (not clear if this is related to the Gale matter in Admiralty)

Participants

Duke of Newcastle

Everard, Sir Richard, Baronet, Governor

Gale, Christopher, Chief Justice of North Carolina

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

According to the footnote on p.lvii of Parker, *North Carolina Higher-Court 1724–1730*, despite his petition for leave to appeal, “Gale does not proceed further with the matter.”

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 09_1773_00

Nash v Dobbs

North Carolina

Case Name Short Nash v Dobbs

Case Name Long Abner Nash v Conway Richard Dobbs and Edward Brice Dobbs

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [243] p.359 – 26 March 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.103: PC 2/117/103

[view](#)

APC Citation v.5 [243] p.359 – 28 July 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.258: PC 2/117/258

[view](#)

APC Citation v.5 [243] p.359 – 20 May 1774 – entry 3

PC Register Citation George III v.11 (May 1774 – May 1775) p.48–55, 77: PC 2/118/48–55, 77

[view](#)

Colonial Courts

Chancery – 16 January 1771

Participants

Dobbs, Arthur, deceased former Governor and father of the Dobbs brothers

Dobbs, Conway Richard, esquire, of Ireland (son of Arthur Dobbs)

Dobbs, Edward Brice, esquire, of Ireland (son of Arthur Dobbs)

Gregg, Frederick (attorney for Dobbs brothers in Carolina)

Nash, Abner, attorney (husband of Justina Dobbs Nash)

Nash, Justina Dobbs (widow of Arthur Dobbs and wife of Abner Nash)

Smith, Samuel (agent of testator in London)

Tryon, William, Governor

Description

Not stated in the *APC*. Inheritance dispute according to Committee report.

Disposition

Reversed

Notes

Arthur Dobbs served as Governor of the colony, 1754 – 1765 (commissioned 1753).

Abner Nash served as Governor of the state, 1780–1781.

Justina Dobbs is the stepmother of Conway and Edward Dobbs.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 12 May 1774 – PC 1/56/74A

[view_Document](#)

TNA Document
Notes about
Document

Referenced in *APC*, v.6 [928] p.555

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 09_1774_00

Appeal of Casey

North Carolina

Case Name Short Casey, appeal of

Case Name Long George Casey, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [301] p.400 – 6 July 1774 – entry 1

PC Register Citation George III v.11 (May 1774 – May 1775) p.184–185: PC 2/118/184–185

[view](#)

Colonial Courts

Vice Admiralty Court of North Carolina – 16 July 1773

Participants

Casey, George, master of the *Hope*

Dry, William, collector of customs for the port of Brunswick

Vessels

Hope (ship)

Description

Condemnation of vessel and cargo at instance of customs officer

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 10_1712_00

Appeal of Macarell

Pennsylvania

Case Name Short Macarell, appeal of

Case Name Long John Macarell, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1165] p.664 – 17 July 1712 – entry 1

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.447: PC 2/83/447

[view](#)

APC Citation v.2 [1165] p.664 – 9 November 1713 – entry 2

PC Register Citation Anne v.6 (18 August 1712 – 31 July 1714) p.268–269: PC 2/84/268–269

[view](#)

APC Citation v.2 [1165] p.664 – 9 November 1713 – entry 3

PC Register Citation Anne v.6 (18 August 1712 – 31 July 1714) p.269: PC 2/84/269

[view](#)

APC Citation v.2 [1165] p.664 – 17 December 1713 – entry 4

PC Register Citation Anne v.6 (18 August 1712 – 31 July 1714) p.293: PC 2/84/293

[view](#)

APC Citation v.2 [1165] p.664–665 – 14 January 1714 – entry 5

PC Register Citation Anne v.6 (18 August 1712 – 31 July 1714) p.303–304: PC 2/84/303–304

[view](#)

APC Citation v.2 [1165] p.665 – 17 January 1714 – entry 6

PC Register Citation Anne v.6 (18 August 1712 – 31 July 1714) p.319: PC 2/84/319

[view](#)

Colonial Courts

Court of Common Pleas or County Court

Participants

Finlay, Robert, merchant, of London

Fitzgerald, Andrew, master of the *St. John Baptist*

Macarell, John (owner of the *St. John Baptist*)

Parks, Thomas, later master of the *St. John Baptist* (according to *APC*, v.6 [244] p.101)

Penn, Mr.

Shaw, Robert, merchant, of London

Vessels

St. John Baptist (ship) aka the *Society* of Dublin

St. Joseph (ship)

Description

Seizure and condemnation

Disposition

Restitution of the two vessels

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Macarell, John, Appeal of, also Macarell v Penn and Macarell v Parkes)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Petition – no date – PC 1/47/14	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [244] p.101	view_APC
TNA Document	Order of reference – 17 July 1712 – PC 1/47/14	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [244] p.101	view_APC
TNA Document	Summons – Nov. 1713 – PC 1/58/1	view_Document
Catalogued as	Catalogued by TNA: Affidavit for serving orders and summons on William Penn in appeal in Macarell v Parkes and others, for illegal condemnation of the <i>St. John the Baptist</i> and the sloop <i>St. Joseph</i> in Pennsylvania. 3 papers. (This is one of the three papers.)	
TNA Document	Notice – 17 Dec. 1713 – PC 1/58/1	view_Document
Catalogued as	Catalogued by TNA: Affidavit for serving orders and summons on William Penn in appeal of Macarell v Parkes	

	and others, for illegal condemnation of the <i>St. John the Baptist</i> and the sloop <i>St. Joseph</i> in Pennsylvania. 3 papers. (This is one of the three papers.)	
TNA Document	Affidavit – Jan.1713/14 – PC 1/58/1	view_Document
Catalogued as	Catalogued by TNA: Affidavit for serving orders and summons on William Penn in appeal of Macarell v Parkes and others, for illegal condemnation of the <i>St. John the Baptist</i> and the sloop <i>St. Joseph</i> in Pennsylvania. 3 papers. (This is one of the three papers.)	
TNA Document	Petition – read 14 Jan. 1713/14 – PC 1/58/1	view_Document
Notes about Document	Found in bundle but not expressly catalogued by TNA.	
TNA Document	Correspondence – 14 Jan. 1713/14 – PC 1/58/1	view_Document
Notes about Document	Found in bundle but not expressly catalogued by TNA.	
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Appeals to the Privy Council

Report No. 10_1720_00

Appeal of Clement

Pennsylvania

Case Name Short Clement, appeal of

Not a 'true' appeal.

Case Name Long Simon Clement's appeal on behalf of William Penn's widow

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1330] p.771 – 8 January 1720 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.372: PC 2/86/372

[view](#)

Colonial Courts

None

Participants

Clement, Simon

Penn, William (deceased husband of Mrs. Penn)

Penn, Mrs. William (widow of William Penn)

Description

Objection to a proposed act in Pennsylvania

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Not an appeal from a decision of a colonial court but a request for disallowance of an act sent to England for approval

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 10_1736_00

Appeal of Evans

Pennsylvania

Case Name Short Evans, appeal of
Case Name Long Peter Evans, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [381] p.507 – 16 June 1736 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.482–483: PC 2/93/482–483

[view](#)

APC Citation v.3 [381] p.507 – 19 May 1737 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.47, 91, 223–224, 227–228: PC 2/94/47, 91, 223–224, 227–228

[view](#)

Colonial Courts

Court of Common Pleas – Philadelphia – decision date not stated – information filed in December term 1735

Participants

Bedford, Grosvenor, gentleman, Collector of His Majesty’s Customs at the Port of Philadelphia

Evans, Peter, gentleman, Deputy Collector of the Customs

Reed, Daniel, master of the *Hope*

Vessels

Hope (ship)

Description

Customs dispute

Disposition

Dismissed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 10_1765_01

Fothergill v Stover

Pennsylvania

Case Name Short Fothergill v Stover

Case Name Long John Fothergill, Daniel Zachary, Thomas How, Devereux Bowley, Luke Hind, Jacob Hagen, Silvanus Grove and William Heron v Christian Stover

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [587] p.698–699 – 1 February 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.83, 199–200: PC 2/111/83, 199–200

[view](#)

APC Citation v.4 [587] p.699 – 13 February 1767 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.126, 167: PC 2/112/126, 167

[view](#)

Colonial Courts

Supreme Court – 15 April 1763

Participants

Bowley, Devereux (trustee of the Pennsylvania Land Company)

Fothergill, John (trustee of the Pennsylvania Land Company)

Grove, Silvanus (trustee of the Pennsylvania Land Company)

Hagen, Jacob (trustee of the Pennsylvania Land Company)

Heron, William (trustee of the Pennsylvania Land Company)

Hind, Luke (trustee of the Pennsylvania Land Company)

How, Thomas (trustee of the Pennsylvania Land Company)

Stover, Christian

Zachary, Daniel (trustee of the Pennsylvania Land Company)

Description

Land (action of ejectment) in dispute in township of Lampiter in Lancaster County

Disposition

Dismissed

Notes

On the ejectment action involved here, see [Additional Research](#).

Andrews, *Guide to Manuscript Materials*, p.167, refers to the case as Pennsylvania Land Co. v Stover. The New York Public Library catalogue notes: “The claim of the respondent is to 500 acres of land situate in Lancaster County, Pennsylvania on Connestogoe Creek: being part of the original grant of land by the Proprietors. There are 3 engraved survey maps in the body of this document and a large detached map of such portions of Pennsylvania, Maryland and Virginia and the bays of Delaware and Chesapeak as are next adjacent.” Several of the holding libraries here note a separate map. These maps have not been compared with each other. For a fascinating history of the separate map (variously described by the holding libraries), see Wainwright, “Tale of a Runaway Cape.”

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Fothergill v Stover)

DOCUMENTATION

Printed Cases

Appellant's case		Case of the appellant (Fothergill)	
Counsel		[Signed] C. Yorke; Wm. Wynne	
Note		Appendix to case of the appellant	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.73–74 (Includes manuscript notes and appendix, f.75–76)	view
Library		Law Library of Congress: Rare Books – Law Library Reading Room – KD379.F68 J64 1766 (Includes appendix)	
Library		Wisconsin Historical Society: Historical Society Library Pamphlets in Rare Book – 77–293b Super Oversize (Includes appendix)	
Respondent's case		Case of the respondent (Stover)	ESTC: N63621
Counsel		[Signed] W. DeGrey; Fl. Norton	
Note		The respondent's case is titled as follows: Pennsylvania. Timothy Peaceable (upon the demise of John Fothergill . . .) appellant and Christian Stover, respondent.	

Library	British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.77–79 (Includes manuscript notes) (Noted in ESTC? No.)	view
Library	Historical Society of Pennsylvania: *Am 1766 Sto Ap766 P41 (Local note indicates that the Historical Society of Pennsylvania copy is in the Library Company of Philadelphia.) (Noted in ESTC? Yes.)	
Library	Huntington Library: Rare Books – 181096 (Noted in ESTC? Yes.)	
Library	John Carter Brown Library: MD 86 (Noted in ESTC? Yes.)	
Library	Law Library of Congress: Rare Books – Law Library Reading Room – KD379.F68 S76 1766 LL Trials (2 copies) (Noted in ESTC? No.)	
Library	Library Company of Philadelphia: Rare *Am 1766 Sto 6477.F (Noted in ESTC? Yes.)	
Library	Maryland State Archives: Special Collections – Accessions No. MSA SC 1399–1–486 Location: B5/05/05/19 (Includes separate map) (Noted in ESTC? No.)	
Library	New York Public Library. Schwarzman Building: Rare Book Collection *KF+++ 1766 (Stover, C. Pennsylvania) (Includes separate map) (Noted in ESTC? No.)	view
Library	New York State Library: 342.7480231 fD321 203–8024 – 1 BOOK – F N (Noted in ESTC? No.)	
Library	Private Collection (Noted in ESTC? No.)	
Library	State Library of Pennsylvania: Forum – Rare Books – Flat – 346 St76p 1766 (2 copies, one includes notes) (Noted in ESTC? No.)	view
Library	University of Delaware. Morris Library: Special Collections F 157.B7 W357 (Includes separate map) (Noted in ESTC? Yes.)	
Library	University of Michigan. William L. Clements Library: FF 1766 Wa (2.3) (Includes separate map. One word written in the margin of the map is crossed out and illegible.) (Noted in ESTC? No.)	
Library	Wisconsin Historical Society: Historical Society Library Pamphlets in Rare Book – 77–292 Super Oversize (Noted in ESTC? No.)	
Library	Yale University. Sterling Memorial Library: Franklin Collection, Room 230, 766+St7 (Noted in ESTC? No.)	
Privy Council Documents in PC 1 at The National Archives at Kew		
Not found		
Other Documents		
Other Documents	See Dallas, <i>Reports 1</i> (1 U.S. [1 Dall.]), p.6 (Pa. 1763): Lessee of Fothergill and others versus Christian Stover.	
		view this report for printing

Appeals to the Privy Council

Report No. 10_1765_02

McMurterie v Browne

Pennsylvania

Case Name Short McMurterie v Browne

Case Name Long David McMurterie and William McMurterie v John Browne and Obadiah Browne

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [609] p.724 – 29 May 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.95, 212: PC 2/111/95, 212

[view](#)

APC Citation v.4 [609] p.724 – 26 July 1765 – entry 2

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.277, 307: PC 2/111/277, 307

[view](#)

Colonial Courts

Supreme Court – 21 April 1763

Participants

Browne, John

Browne, Obadiah

McMurterie, David, merchant, of Philadelphia county

McMurterie, William, merchant, of Philadelphia county

Vessels

Providence (brigantine)

Description

Insurance dispute

Disposition

Dismissed

Notes

Andrews, *Guide to Manuscript Materials*, p.166, states that the case contains much information about the commerce of Philadelphia at this time.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Browne v McMurterie)

DOCUMENTATION

Printed Cases

Appellant's case

Case of the appellant (McMurterie)

Counsel [Signed] Wm. DeGrey; Rd. Jackson

Note Appendix to the case of the appellant

Library British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.227–228 (Includes appendix, f.229–233)

[view](#)

Respondent's case

Case of the respondent (Browne)

Counsel [Signed] C. Yorke; R. Perryn

Library British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.234–235 (Includes manuscript notes)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 16 July 1765 – PC 1/51/56

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [667] p.403

[view_APC](#)

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Appeals to the Privy Council

Report No. 10_1766_01

Long v Harper

Pennsylvania

Case Name Short Long v Harper

Case Name Long John Long and William Plumstead v Thomas Harper and John Nixon and Co.

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [639] p.745 – 10 February 1766 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.476–477, 546: PC 2/111/476–477, 546

[view](#)

APC Citation v.4 [639] p.745 – 26 June 1767 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.314–315, 355–356: PC 2/112/314–315, 355–356

[view](#)

Colonial Courts

Supreme Court – 25 April 1765

Participants

Harper, Thomas (owner of the *Molly*)

Long, John, merchant, of Philadelphia

Nixon, John (owner of the *Molly*)

Plumstead, William, merchant, of Philadelphia

Sparkes, James, master of the *Molly*

Vessels

Molly (ship)

Description

Charter party dispute

Disposition

Affirmed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Nixon and Harper v Long and Plumstead)

DOCUMENTATION

Printed Cases

Appellant's case

Case of the appellant (Long)

Counsel [Signed] C. Yorke; R. Perryn

Note Appendix to the case of the appellant

Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.105–106 (Includes manuscript notes and appendix, f.107–108)

[view](#)

Respondent's case

Case of the respondent (Harper)

Counsel [Signed] Wm. DeGrey; Rd. Jackson

Note Appendix to the case of the respondent

Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.109–110 (Includes appendix, f.111–114)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 10 June 1767 – PC 1/53/60

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [761] p.453–454

[view_APC](#)

Other Documents

Other Documents See Dallas, *Reports I* (1 U.S. [1 Dall.]), p.6 (Pa. 1762): Nixon and Harper versus Long and Plumstead.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 10_1766_02

Crawford v Hawker

Pennsylvania

Case Name Short Crawford v Hawker

Case Name Long Patrick Crawford (representing James Crawford) and Charles Smith v James Hawker

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [8] p.18 – 15 October 1766 – entry 1

PC Register Citation George III v.5 (August 1766 – January 1768) p.64–65: PC 2/112/64–65

[view](#)

APC Citation v.5 [8] p.18 – 3 February 1772 – entry 2

PC Register Citation George III v.9 (January – December 1772) p.62: PC 2/116/62

[view](#)

APC Citation v.5 [8] p.18 – 22 April 1772 – entry 3

PC Register Citation George III v.9 (January – December 1772) p.148, 173: PC 2/116/148, 173

[view](#)

Colonial Courts

Vice Admiralty Court – Philadelphia – 8 October 1765

Participants

Crawford, James (brother, presumed deceased, of Patrick Crawford and owner of the *Chance* and part of its cargo)

Crawford, Patrick (brother and executor of James Crawford)

Hawker, James, commander of HMS *Sardoine*

Ruecastle, Robert (replacement for Patrick Crawford as representative for James Crawford)

Smith, Charles (owner of part of cargo of the *Chance*)

Vessels

Chance (ship)

HMS *Sardoine*

Description

Condemnation for illegal trade

Disposition

Dismissed for non-prosecutioin

Notes

Cited in the *APC*, v.6 [874] p.507, as Ruecastle and Smith v Hawker.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 8 Apr. 1772 – PC 1/55/68

[view_Document](#)

Referenced in *APC*, v.6 [874] p.507

[view_APC](#)

[view this report for printing](#)

TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 10_1770_01

Swift v Jones
Swift v Hawkins
Swift v Mitchell

Pennsylvania

Case Name Short Swift v Jones
Swift v Hawkins
Swift v Mitchell

Case Name Long John Swift v Henry Jones and Robert Smith
John Swift v George Hawkins and John Moore
John Swift v Abraham Mitchell and Thomas Lightfoot

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [158] p.276 – 6 July 1770 – entry 1

PC Register Citation George III v.7 (May 1769 – December 1770) p.450–451, 692–693: PC 2/114/450–451, 692–693 [view](#)

APC Citation v.5 [158] p.276 – 31 December 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.323–324 *recte* 383–384, 383–385 *recte* 384–385, 393–394: PC 2/117/323–324 *recte* 383–384, 383–385 *recte* 384–385, 393–394 [view](#)

PC Register Note The reference in the *APC* to p.323–324 is incorrect; p.383–385 contain 3 committee reports, one on p.383–384, one on p.384, and one on p.385.

Colonial Courts

Supreme Court – April 1768

Participants

Hawkins, George
Jones, Henry
Lightfoot, Thomas
Mitchell, Abraham
Moore, John
Smith, Robert
Swift, John, deputy collector of customs at Philadelphia

Vessels

Abbey (snow)

Description

Foreign duties on imports

Disposition

All reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Smith v Jones; Smith v Hawkins; Smith v Mitchell)

Additional Sources

See Dallas, *Reports 1* (1 U.S. [1 Dall.]), p.17 (Pa. 1768): John Swift versus Hawkins. It is possible, though not confirmed, that this is the lower court action.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 10_1770_02

Pike v Hoare

Pennsylvania

Case Name Short Pike v Hoare

Case Name Long Samuel Pike v Samuel Hoare and Nathaniel Newberry

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [161] p.280 – 19 September 1770 – entry 1

PC Register Citation George III v.7 (May 1769 – December 1770) p.488–489: PC 2/114/488–489

[view](#)

APC Citation v.5 [161] p.280 – 30 November 1770 – entry 2

PC Register Citation George III v.7 (May 1769 – December 1770) p.605–606: PC 2/114/605–606

[view](#)

APC Citation v.5 [161] p.281 – 20 December 1770 – entry 3

PC Register Citation George III v.7 (May 1769 – December 1770) p.694–695: PC 2/114/694–695

[view](#)

APC Citation v.5 [161] p.281 – 14 June 1771 – entry 4

PC Register Citation George III v.8 (January – December 1771) p.261–262, 274–275: PC 2/115/261–262, 274–275

[view](#)

Colonial Courts

Chancery – London – 1757 (dismissed 1763)

Supreme Court – 30 March 1769

Participants

Hoare, Samuel, merchant, of London (executor of Richard Pike)

Newberry, Nathaniel, merchant, of London (executor of Richard Pike)

Pike (Pyke), Richard of Stoke Newington (deceased brother of Samuel Pike)

Pike (Pyke), Samuel, merchant, of London and late of Cork (brother and executor of Richard Pike)

Description

Land dispute/inheritance

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Pike v Hoare)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 14 June 1771 – PC 1/60/9

[view_Document](#)

Catalogued as Catalogued by TNA: Committee report for dismissing appeal Pyke v Hoare for non-prosecution: read and approved

[view this report for printing](#)

Appeals to the Privy Council

Report No. 10_1773_00

Styles v Kirkbride

Pennsylvania

Case Name Short Styles v Kirkbride

Case Name Long James Styles v Joseph Kirkbride and Thomas Riche

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [278] p.389 – 10 December 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.343, 351–352: PC 2/117/343, 351–352

[view](#)

APC Citation v.5 [278] p.389 – 21 June 1775 – entry 2

PC Register Citation George III v.12 (June 1775 – May 1776) p.32–33: PC 2/119/32–33

[view](#)

APC Citation v.5 [278] p.389 – 30 April 1777 – entry 3

PC Register Citation George III v.13 (June 1776 – May 1777) p.422, 476: PC 2/120/422, 476

[view](#)

Colonial Courts

Superior Court – 10 April 1773

Participants

Hurst, Timothy, presumed deceased

Kirkbride, Joseph

Riche, Thomas

Styles, James

Description

Land dispute in Buckingham county, Pennsylvania

Disposition

Leave given to withdraw the appeal on paying costs to the respondents

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Styles v Kirkbride)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee order for hearing the appeal – 21 June 1775 – PC 1/60/10/1

[view_Document](#)

Catalogued as Catalogued by TNA: Committee order for hearing the appeal Styles v Kirkbride in Jan. 1776

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Appeals to the Privy Council

Report No. 10_1774_00

Sheipers v Logan (Thrustout v Logan)

Pennsylvania

Case Name Short Sheipers v Logan
Thrustout v Logan

Case Name Long Timothy Thrustout on the demise of Peter Henry Sheipers v James Logan

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [309] p.404 – 19 December 1774 – entry 1

PC Register Citation George III v.11 (May 1774 – May 1775) p.318: PC 2/118/318

[view](#)

APC Citation v.5 [309] p.404 – 23 January 1775 – entry 2

PC Register Citation George III v.11 (May 1774 – May 1775) p.352–353, 375–376: PC 2/118/352–353, 375–376

[view](#)

Colonial Courts

Supreme Court – 20 April 1773

Participants

Logan, James, gentleman, of Philadelphia county

Sheipers, Peter Henry

Thrustout, Timothy

Description

Land (action of ejectment, according to the Privy Council register) concerning 50 acres of woodland

Disposition

Dismissed for non-prosecution

Notes

There can be little doubt that Timothy Thrustout and the lease to him are fictional. For more on the ejectment action involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 12 Jan. 1775 – PC 1/60/10/1

[view_Document](#)

Catalogued as Catalogued by TNA: Committee report for dismissing the appeal Thrustout v Logan for non-prosecution; 23 Jan. read and approved

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Appeals to the Privy Council

Report No. 11_1698_00

Peirce v Willie

Rhode Island

Case Name Short Peirce v Willie

Case Name Long Daniel Peirce et al v Edmund and Margaret Willie and Richard and Judith Hancock

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [712] p.324 – 16 July 1698 – entry 1

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.205: PC 2/77/205

[view](#)

APC Citation v.2 [712] p.324 – 2 September 1698 – entry 2

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.223: PC 2/77/223

[view](#)

Colonial Courts

Unnamed – Newport

Participants

Brown, Benjamin, esquire, in New England

Brown, William, esquire, in New England

Hancock, Judith (wife of Richard Hancock)

Hancock, Richard (husband of Judith Hancock)

Peirce, Daniel (tenant of William Brown and Benjamin Brown)

Willie, Edmund (husband of Margaret Willie)

Willie, Margaret (wife of Edmund Willie)

Description

Land dispute related to Prudence Island in New England

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

References in **Smith**, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Peirce v Willie)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1699_00

Brinley v [Dyer]

Rhode Island

Case Name Short Brinley v [Dyer]

Case Name Long Francis Brinley v ____ [Dyer]

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [732] p.328 – 23 February 1699 – entry 1

CSP Citation XII no. 122

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.302: PC 2/77/302

[view](#)

APC Citation v.2 [732] p.328 – 27 April 1699 – entry 2

CSP Citation XII no. 315

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.331: PC 2/77/331

[view](#)

Colonial Courts

Unnamed

Participants

Brinley, Francis, merchant
[Dyer], ____

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Referred to the Board of Trade; no decision on the merits, but the Order in Council adds “that in all such cases the Governor and Company of the Colony of Rhode Island do take notice that it is the Inherent Right of His Majesty to Receive and Determine Appeals from all His Majestys Colonies in America; and that they do Govern themselves accordingly.”

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Brinley v Dyer)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1705_01

Appeal of Harris

Rhode Island

Case Name Short Harris, appeal of

Case Name Long Andrew Harris, Thomas Field and Nathaniel Waterman, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [980] p.495 – 29 November 1705 – entry 1

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.21: PC 2/81/21

[view](#)

APC Citation v.2 [980] p.495 – 15 December 1705 – entry 2

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.44: PC 2/81/44

[view](#)

APC Citation v.2 [980] p.495 – 18 December 1705 – entry 3

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.47: PC 2/81/47

[view](#)

APC Citation v.2 [980] p.495 – 13 March 1707 – entry 4

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.315–316: PC 2/81/315–316

[view](#)

APC Citation v.2 [980] p.495 – 11 June 1707 – entry 5

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.380: PC 2/81/380

[view](#)

APC Citation v.2 [980] p.495 – 12 June 1707 – entry 6

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.383: PC 2/81/383

[view](#)

Colonial Courts

Unnamed

Participants

Chamberlain, John

Field, Thomas of Patuxent

Harris, Andrew of Patuxent

Waterman, Nathaniel of Patuxent

Description

Land

Disposition

Dismissed because of improper parties

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 11 June 1707 – PC 1/46/9

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [175] p.57

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1705_02

Appeal of Newton

Rhode Island

Case Name Short Newton, appeal of

Not a 'true' appeal.

Case Name Long Thomas Newton, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [987] p.497 – 20 December 1705 – entry 1

PC Register Citation Anne v.3 (11 October 1705 – 29 February 1708) p.59: PC 2/81/59

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Newton, Thomas, mariner

Description

Land

Disposition

Referred to the Board of Trade; no further disposition stated in the *APC*

Notes

This is a title dispute with reference to Hog Island. The petition of Thomas Newton requests a trial in an adjacent province with impartial judges rather than strictly appealing from a judgment. It is not clear from the entry if there had been any trial below. Bilder, *Transatlantic Constitution*, p.77, notes this request.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1709_00

Remington v Brenton

Rhode Island

Case Name Short Remington v Brenton

Case Name Long Stephen Remington v Jahleel Brenton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1095] p.605 – 9 June 1709 – entry 1

PC Register Citation Anne v.4 (5 March 1708 – 31 May 1710) p.334–335: PC 2/82/334–335

[view](#)

APC Citation v.2 [1095] p.605 – 14 July 1710 – entry 2

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.23: PC 2/83/23

[view](#)

APC Citation v.2 [1095] p.605 – 31 July 1710 – entry 3

PC Register Citation Anne v.5 (2 June 1710 – 28 July 1712) p.46: PC 2/83/46

[view](#)

Colonial Courts

General Assembly – Providence – October 1708

Participants

Brenton, Jahleel

Remington, Stephen of James Town in Rhode Island (lessee of William Sandford)

Sandford, William (lessor of Stephen Remington)

Description

Not stated in the *APC*, but see Bilder, *Salamanders and Sons of God*, p.253, for a description of this land case. The underlying dispute was continued a generation later in Brenton v Remington (11_1747_03, *APC*, v.4 [57] p.42).

Disposition

Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Remington v Brenton)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1718_01

Ford v Hodgson

Rhode Island

Case Name Short Ford v Hodgson

Case Name Long Peter Ford v Daniel Hodgson

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1296] p.743 – 1 July 1718 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.153–154: PC 2/86/153–154

[view](#)

APC Citation v.2 [1296] p.743 – 10 November 1718 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.187: PC 2/86/187

[view](#)

APC Citation v.2 [1296] p.744 – 14 November 1718 – entry 3

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.189: PC 2/86/189

[view](#)

APC Citation v.2 [1296] p.744 – 10 July 1719 – entry 4

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.287–288: PC 2/86/287–288

[view](#)

APC Citation v.2 [1296] p.744 – 25 August 1719 – entry 5

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.306–307: PC 2/86/306–307

[view](#)

Colonial Courts

General Court – March 1717 and September 1717

General Assembly – October 1717

Participants

Ford, Peter of Rotherhithe in Surrey

Hodgson, Daniel, master of the *John*

Vernon, Mr.

Vessels

John (galley)

Description

Dispute over shares of goods in the *John*

Disposition

Order for a new trial

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Ford v Hodgson)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1718_02

Carr v Holmes

Rhode Island

Case Name Short Carr v Holmes

Case Name Long Nicholas Carr v John Holmes and Thomas Martin

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1301] p.747 – 27 August 1718 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.174–175: PC 2/86/174–175

[view](#)

APC Citation v.2 [1301] p.747–748 – 15 December 1718 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.194–195: PC 2/86/194–195

[view](#)

APC Citation v.2 [1301] p.748 – 18 November 1719 – entry 3

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.351: PC 2/86/351

[view](#)

APC Citation v.2 [1301] p.748 – 8 January 1720 – entry 4

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.362: PC 2/86/362

[view](#)

Colonial Courts

Unnamed – March 1718 (two special verdicts without judgments entered; perfection of judgments requested by Privy Council)

Participants

Carr, Nicholas (brother-in-law of and administrator for William Holmes)

Holmes, John (tenant of Nicholas Carr)

Holmes, William (deceased brother-in-law of Nicholas Carr)

Martin, Thomas (tenant of Nicholas Carr)

Description

Land dispute in Newport

Disposition

Dismissed

Notes

Bilder, *Salamanders and Sons of God*, p.281 n.64, names party as ‘John’ Martin.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Carr v Holmes)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 18 Nov. 1719 – PC 1/47/16

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [283] p.119

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1721_01

Appeal of Owen

Rhode Island

Case Name Short Owen, appeal of

Case Name Long Capt. John Owen, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [20] p.30 – 11 November 1721 – entry 1

PC Register Citation George I v.3 (25 August 1720 – 31 May 1722) p.360: PC 2/87/360

[view](#)

APC Citation v.3 [20] p.30 – 12 July 1723 – entry 2

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.279: PC 2/88/279

[view](#)

APC Citation v.3 [20] p.30 – 6 August 1723 – entry 3

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.303–304: PC 2/88/303–304

[view](#)

Colonial Courts

Admiralty Court of Rhode Island – 18 July 1720 and 1 December 1720

Participants

Owen, Capt. John

Smart, Capt.

Description

Alleged payment due

Disposition

Dismissed without prejudice to prosecuting the appeal in the Court of Admiralty in England

Notes

At issue, payment for freight of 134 slaves

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Owen, John, Appeal of)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1721_02

In re The Pearl

Rhode Island

Case Name Short *In re* The Pearl

Case Name Long *In re* The Pearl

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [21] p.30 – 11 November 1721 – entry 1

PC Register Citation George I v.3 (25 August 1720 – 31 May 1722) p.360: PC 2/87/360

[view](#)

APC Citation v.3 [21] p.30 – 12 July 1723 – entry 2

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.280: PC 2/88/280

[view](#)

Colonial Courts

Rhode Island Admiralty Court – 6 May 1720

Participants

Allen, Daniel (owner of the *Pearl*)

Clarke, Samuel (owner of the *Pearl*)

Fox, Daniel (owner of the *Pearl*)

Littleton, James (owner of the *Pearl*)

Lowe, Joseph (owner of the *Pearl*)

Smart, Capt.

Tizard, Edward, sen. (owner of the *Pearl*)

Vessels

Pearl (ship)

Description

Condemnation, according to Smith (p.187), as ‘lawful capture’

Disposition

Dismissed without prejudice to the prosecution of an appeal at common law or otherwise

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (*In re The Pearl*)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1724_00

Cranston v Jekyll
Jekyll v Cranston

Rhode Island

Case Name Short Cranston v Jekyll
Jekyll v Cranston

Case Name Long Samuel Cranston v John Jekyll
John Jekyll v Samuel Cranston

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.3 [73] p.88 – 22 August 1724 – entry 1	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.617: PC 2/88/617	view
APC Citation	v.3 [73] p.88 – 2 December 1724 – entry 2	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.19: PC 2/89/19	view
APC Citation	v.3 [73] p.88 – 20 July 1725 – entry 3	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.92, 103–104: PC 2/89/92, 103–104	view
APC Citation	v.3 [73] p.88 – 4 November 1725 – entry 4	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.122: PC 2/89/122	view
APC Citation	v.3 [73] p.88 – 16 January 1727 – entry 5	
PC Register Citation	George I v.5 (September 1724 – May 1727) p.297: PC 2/89/297	view

Colonial Courts

Vice Admiralty Court at Boston

Participants

Cranston, Samuel, Governor
Hyam, Thomas, merchant, of London (attorney or agent for the owners, freighters, and insurers of the ship *Porto Prince*)
Jekyll, John, Collector of the Customs

Vessels

Porto Prince aka *Elpierto del Principe* (ship)

Description

Condemnation

Disposition

The appeal and cross-appeal are admitted, but the outcome of the hearing is not stated.

Notes

Smith (p.186) notes that the register indicates in error that an appeal had already been granted to the Lords Commissioners of the Admiralty; in fact it was to the High Court of Admiralty. However, given uncertainties about the jurisdiction of the Vice Admiralty Court, the appellant felt it “more proper to appeal to the King in Council.”

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Cranston v Jekyll)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1725_00

MacSparran v Mumford

Rhode Island

Case Name Short MacSparran v Mumford

Case Name Long James MacSparran v George Mumford

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [85] p.118 – 15 May 1725 – entry 1

PC Register Citation George I v.5 (September 1724 – May 1727) p.58: PC 2/89/58

[view](#)

APC Citation v.3 [85] p.118 – 6 July 1725 – entry 2

PC Register Citation George I v.5 (September 1724 – May 1727) p.81, 86: PC 2/89/81, 86

[view](#)

Colonial Courts

General Court of Trials – Newport – last Tuesday in March 1724

Participants

MacSparran, James

Mumford, George of South Kingstown

Description

Not stated in *Acts of the Privy Council, Colonial Series*, but see Notes below.

Disposition

Dismissed for non-prosecution

Notes

Related to other Privy Council appeals:

Torrey v Mumford – Report No. 11_1733_00 (*APC*, v.3 [293] p.402)

MacSparran v Hassard – Report No. 11_1736_00 (*APC*, v.3 [390] p.518)

All of these Privy Council appeals concern a dispute about glebe land and have overlapping parties. There is an extensive discussion of this dispute in Bilder, *Salamanders and Sons of God*, ch. 6.

MacSparran v Hassard mentions that the March 1724 action in the General Court of Trials for MacSparran v Mumford is a rehearing from the General Court of Trials in Newport on the first Tuesday of September 1723.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (McSparran v Mumford)

Additional Sources

The entire dispute produced something of a pamphlet war: *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministry land at Narraganset* [Torrey, *Brief Representation*]; *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministerial land in Narraganset in a letter from a gentleman at Newport to his friend in Boston* [A.B., *Brief Representation*]; *An answer to a printed letter said to be wrote from a gentleman in Newport to his friend in Boston Aug. 27; pretending to find fault with a brief representation of the case between Dr. McSparran plaintiff and Mr. Torrey defendant, relating to the ministry land in South Kingstown, Narragansett, which was dated July 1739* [Prince, *Brief Representation*].

See the detailed index in Manross, *Fulham Papers*. He summarizes enlightening correspondence and documentation about this case, which is reproduced on Reel 5 of Lambeth Palace Library, *Fulham Papers*. Of special note is “Dr. MacSparran’s narrative of the lawsuit concerning the glebe land at Narragansett in New England” in manuscript.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Petition of G. Mumford to dismiss appeal – May 1725 – PC 1/58/3

[view_Document](#)

Catalogued by TNA: Petition of George Mumford to dismiss the appeal of James MacSparran

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1729_01

Wharton v Northrup

Rhode Island

Case Name Short Wharton v Northrup

Case Name Long Eunice Wharton v Stephen, Thomas, Benjamin, Henry jr., and Nicholas Northrup and Lawrence Whaley

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [166] p.214 – 1 February 1729 – entry 1

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.436: PC 2/90/436

[view](#)

APC Citation v.3 [166] p.214 [166] – 4 March 1730 – entry 2

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.192, 257: PC 2/91/192, 257

[view](#)

APC Citation v.3 [166] p.214–215 – 14 December 1730 – entry 3

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.302–303: PC 2/91/302–303

[view](#)

APC Citation v.3 [166] p.215 – 23 December 1730 – entry 4

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.305: PC 2/91/305

[view](#)

Colonial Courts

General Court of Trials – Newport – [first Tuesday of September 1727]

General Court of Trials – Newport – first Tuesday of March 1728

Participants

Northrup, Benjamin

Northrup, Henry, Jr.

Northrup, Nicholas

Northrup, Stephen

Northrup, Thomas

Whaley, Lawrence

Wharton, Eunice (widow of William Wharton)

Wharton, William of the parish of St. Bartholomew, Exchange, in London (deceased husband of Eunice Wharton)

Description

Land (“concerning the right to a Tract of Land,” according to the Privy Council register; “an ejectment action” according to Smith [p.355 n.17])

Disposition

Reversed with a new trial in the General Court, evidence and objections to be taken in writing, with further option to appeal. Bilder, *Salamanders and Sons of God*, p.288, notes that Wharton lost when the case was retried and, though granted an appeal, Wharton later withdrew it.

Notes

On the original action involved here, see [Additional Research](#).

For the background of the case, which seems to have had its origins in a disputed acquisition of land from the Narragansetts in the late 17th century, but also involved a deed given to Wharton’s late husband during the Andros administration and the wills of two members of the Wharton family, see Bilder, *Salamanders and Sons of God*, p.283–288.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Wharton v Northrup)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1729_02

Wood v Sanford

Rhode Island

Case Name Short Wood v Sanford

Case Name Long William Wood and John Allen v Samuel Sanford

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [172] p.227 – 26 March 1729 – entry 1

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.467: PC 2/90/467

[view](#)

APC Citation v.3 [172] p.227 – 31 October 1729 – entry 2

PC Register Citation George II v.2 (1 June 1729 – 16 July 1732) p.69: PC 2/91/69

[view](#)

APC Citation v.3 [172] p.227 – 19 November 1729 – entry 3

PC Register Citation George II v.2 (1 June 1729 – 16 July 1732) p.81, 160, 191: PC 2/91/81, 160, 191

[view](#)

APC Citation v.3 [172] p.227–228 – 3 May 1731 – entry 4

PC Register Citation George II v.2 (1 June 1729 – 16 July 1732) p.379–380: PC 2/91/379–380

[view](#)

APC Citation v.3 [172] p.228 – 11 May 1731 – entry 5

PC Register Citation George II v.2 (1 June 1729 – 16 July 1732) p.387–388: PC 2/91/387–388

[view](#)

Colonial Courts

General Court of Trials – Portsmouth – first Tuesday in September 1726

General Court of Trials – Portsmouth – last Tuesday of March 1727 – rehearing

General Court of Trials – first Tuesday in September 1727 – rehearing

Participants

Allen, John, husbandman, of Newport

Sanford, Samuel of Newport

Wood, William, husbandman, of Newport

Description

Land (declaration in ejectment) in Portsmouth, with detailed explanation of this inheritance dispute in chapter 5 of Bilder, *Salamanders and Sons of God*

Disposition

Wood and Allen to be restored to their possession

Notes

For the ‘declaration in ejectment’ involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1730_00

Sabere v Sabere

Rhode Island

Case Name Short Sabere v Sabere

Case Name Long Daniel Sabere v Ann Sabere and Deborah Sabere and Mary Sabere

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [210] p.283 – 20 April 1730 – entry 1

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.229, 351, 373: PC 2/91/229, 351, 373

[view](#)

APC Citation v.3 [210] p.283 – 11 May 1731 – entry 2

PC Register Citation George II v.2 (1 June 1729 – 16 June 1732) p.380–381, 388: PC 2/91/380–381, 388

[view](#)

Colonial Courts

General Court of Trials – first Tuesday in September 1729

Participants

Sabere, Ann (widow of John Sabere and mother of Deborah and Mary Sabere)

Sabere, Daniel of Newport

Sabere, Deborah (daughter of John and Ann Sabere)

Sabere, John (deceased husband of Ann Sabere and father of Deborah and Mary Sabere)

Sabere, Mary (daughter of John and Ann Sabere)

Description

Land (action for partition) in Newport. Bilder, *Salamanders and Sons of God*, ch. 5, indicates that the matter arose out of an inheritance dispute.

Disposition

Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Sabeere et al v Sabeere)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1732_00

Brenton v Boreland (1)
Boreland v Brenton
Brenton v Boreland (2)

Rhode Island

Case Name Short Brenton v Boreland (1)
Boreland v Brenton
Brenton v Boreland (2)

Case Name Long Jahleel Brenton (later Jahleel Brenton, his son and executor) v Francis and Jane Boreland
Francis and Jane Boreland v Jahleel Brenton, son and executor of Jahleel Brenton
Jahleel Brenton, son and executor of Jahleel Brenton, v Francis and Jane Boreland

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [266] p.365 – 7 September 1732 – entry 1

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.49: PC 2/92/49

[view](#)

APC Citation v.3 [266] p.365 – 19 July 1733 – entry 2

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.184, 196: PC 2/92/184, 196

[view](#)

APC Citation v.3 [266] p.365 – 31 January 1734 – entry 3

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.308, 309–310, 319, 418–419, 428: PC 2/92/308, 309–310, 319, 418–419, 428

[view](#)

APC Citation v.3 [266] p.365–366 – 11 July 1734 – entry 4

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.456–457, 496–497, 519: PC 2/92/456–457, 496–497, 519

[view](#)

APC Citation v.3 [266] p.366 – 3 April 1735 – entry 5

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.84, 119, 125–126, 145: PC 2/93/84, 119, 125–126, 145

[view](#)

APC Citation v.3 [266] p.366 – 13 October 1736 – entry 6

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.2–3: PC 2/94/2–3

[view](#)

APC Citation v.3 [266] p.366 – 12 January 1738 – entry 7

PC Register Citation George II v.4 *recte* 5 (1 October 1736 – 4 September 1738) p.343–345, 367: PC 2/93 *recte* 94/343–345, 367

[view](#)

Colonial Courts

Inferior Court – Newport – 6 April 1731

Superior Court – Newport – first Tuesday in September 1731

Inferior Court – June 1732

Superior Court – Newport – first Tuesday of September 1732

Governor and General Assembly – 15 June 1733

Superior Court – 2 September 1735

Participants

Boreland, Francis of Boston in Massachusetts (husband of Jane Boreland)

Boreland, Jane of Boston in Massachusetts (wife of Francis Boreland)

Brenton, Jahleel (deceased father of Jahleel Brenton)

Brenton, Jahleel (son and executor of Jahleel Brenton)

Description

Appeals from two actions of account, arising, according to Bilder, *Salamanders and Sons of God*, p.369–370, out of an inheritance of land by tenants-in-common.

Disposition

The appeal by Brenton in 1732 was dismissed for non-prosecution. In 1734, his executor was permitted to appeal again, but no further proceedings on this appeal have been found. In the spring of 1735, the judgments of September of 1732 and June of 1733 in the second case were reversed in favor of the Borelands, with Brenton left to proceed on the merits in Superior Court. A subsequent appeal by Brenton from the Superior Court's judgment in September of 1735 reinstating the judgment of June 1732 in favor of the Borelands was dismissed in January of 1738.

Notes

The account in the *APC* of these appeals is cryptic to the point of obscurity. On the basis of the Privy Council registers, Bilder's treatment in *Salamanders and Sons of God*, p.369–370, and the respondent's brief in Brenton's appeal from the Superior Court judgment of September 1735, we have constructed the account that appears above. We think we have accounted for all the colonial court proceedings and all the appeals. What remains unaccounted for is the relationship between the two original actions of account in Rhode Island. The second was a claim for one-seventh of the revenues from 2465 acres of land in South Kingston from November of 1711 to September of 1725, during the period when Jane Boreland was unmarried. No specifics are given about first claim, except that it, too, deals with the period when Jane was unmarried. It probably dealt with another piece of

land, but of this we cannot be sure. The end result would seem to have been that Brenton’s estate owed the Borelands £800 plus a substantial amount of costs.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Brenton v Boreland; Boreland v Brenton)

DOCUMENTATION

Printed Cases

Appellant’s case	Case of the appellant (Brenton)	
Note	Not found	
Respondent’s case	Case of the respondent (Boreland)	ESTC: N67012
Counsel	[Signed] D. Ryder; W. Murray	
Library	John Carter Brown Library: bD737.B731r (Includes manuscript notes. John Carter Brown gives the date of the printed case as 1737.) (Noted in ESTC? Yes.)	view
	Privy Council Documents in PC 1 at The National Archives at Kew	
	Not found	

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Appeals to the Privy Council

Report No. 11_1733_00

Torrey v Mumford

Rhode Island

Case Name Short Torrey v Mumford

Case Name Long Joseph Torrey v George Mumford

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [293] p.402 – 20 December 1733 – entry 1

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.281, 489, 504: PC 2/92/281, 489, 504

[view](#)

APC Citation v.3 [293] p.402–404 – 16 July 1734 – entry 2

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.527–529: PC 2/92/527–529

[view](#)

APC Citation v.3 [293] p.404 – 18 July 1733 *recte* 1734 – entry 3

PC Register Citation George II v.3 (21 July 1732 – 18 July 1734) p.537–538: PC 2/92/537–538

[view](#)

Colonial Courts

Inferior Court of Common Pleas – last Tuesday in June 1732

Superior Court – first Tuesday of September 1732

Superior Court – Newport – last Tuesday in March 1733

Participants

Bundy, James

Hull, John

Miles, Rev. Mr. Samuel, Presbyterian minister

Mumford, George

Smith, John, surveyor

Torrey, Joseph, Presbyterian minister, of South Kingstown in King's County

Description

Land (trespass and ejectment) called the Petaquamsent (Petaquamset) purchase

Disposition

Reversed

Notes

Related to other Privy Council appeals:

MacSparran v Mumford – Report No. 11_1725_00 (*APC*, v.3 [85] p.118)

MacSparran v Hassard – Report No. 11_1736_00 (*APC*, v.3 [390] p.518)

All of these Privy Council appeals concern a dispute about glebe land and have overlapping parties. There is an extensive discussion of this dispute in Bilder, *Salamanders and Sons of God*, ch. 6.

Multiple spellings are given for the surname of the Presbyterian minister – Miles in Torrey v Mumford; Nyles in MacSparran v Hassard; Myles in Chalmers, *Opinions of Eminent Lawyers*, 1:9.

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Torrey v Mumford)

Additional Sources

The entire dispute produced something of a pamphlet war: *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministry land at Narraganset* [Torrey, *Brief Representation*]; *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministerial land in Narraganset in a letter from a gentleman at Newport to his friend in Boston* [A.B., *Brief Representation*]; *An answer to a printed letter said to be wrote from a gentleman in Newport to his friend in Boston Aug. 27; pretending to find fault with a brief representation of the case between Dr. McSparran plaintiff and Mr. Torrey defendant, relating to the ministry land in South Kingstown, Narragansett, which was dated July 1739* [Prince, *Brief Representation*].

See the detailed index in Manross, *Fulham Papers*. He summarizes enlightening correspondence and documentation about this case, which is reproduced on Reel 5 of Lambeth Palace Library, *Fulham Papers*. Of special note is “Dr. MacSparran’s narrative of the lawsuit concerning the glebe land at Narragansett in New England” in manuscript.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1735_01

Coggeshall v Pelham

Rhode Island

Case Name Short Coggeshall v Pelham

Case Name Long Peter Coggeshall v Edward Pelham

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [340] p.459 – 3 April 1735 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.149: PC 2/93/149

[view](#)

APC Citation v.3 [340] p.459 – 16 May 1735 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.154, 161: PC 2/93/154, 161

[view](#)

Colonial Courts

Superior Court – Newport – March 1733

Participants

Coggeshall, Peter

Pelham, Edward of Newport

Description

Land. The matter arose as an inheritance dispute involving Peter Coggeshall's wife, according to Bilder, *Salamanders and Sons of God*, p.343.

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1735_02

Hassard v Potter

Rhode Island

Case Name Short Hassard v Potter

Case Name Long Stephen Hassard and Robert Hassard v John Potter

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [362] p.485 – 6 November 1735 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.251: PC 2/93/251

[view](#)

APC Citation v.3 [362] p.485 – 12 June 1739 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.253–254, 263: PC 2/93/253–254, 263

[view](#)

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.24, 34–35: PC 2/94/24, 34–35

[view](#)

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.128–130, 209: PC 2/95/128–130, 209

[view](#)

Colonial Courts

Court of Common Pleas – Kingstown – January 1735

Superior Court – March 1735

Participants

Hassard, Robert of South Kingstown in King’s County

Hassard, Stephen of South Kingstown, in King’s County

Potter, John

Description

Land (trespass and ejectment) for recovery of a sedge bed

Disposition

Dismissed

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Hassard v Potter)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1735_03

Johnson v Arnold

Rhode Island

Case Name Short Johnson v Arnold

Case Name Long Ezekiel Johnson v Josiah Arnold

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [365] p.486–487 – 26 November 1735 – entry 1

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.264–265: PC 2/93/264–265

[view](#)

APC Citation v.3 [365] p.487 – 18 December 1735 – entry 2

PC Register Citation George II v.4 (1 August 1734 – 23 September 1736) p.269, 283–284: PC 2/93/269, 283–284

[view](#)

Colonial Courts

Superior Court – 26 March 1734

Participants

Arnold, Josiah of James Town in Newport County

Johnson, Ezekiel

Description

Not stated in the *APC* but an inheritance dispute over land, according to Bilder, *Salamanders and Sons of God*, p.390

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1736_00

MacSparran v Hassard

Rhode Island

Case Name Short MacSparran v Hassard

Case Name Long James MacSparran v Robert Hassard

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [390] p.518 – 24 November 1736 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.24–25: PC 2/94/24–25

[view](#)

APC Citation v.3 [390] p.518 – 26 January 1737 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.91, 95–96: PC 2/94/91, 95–96

[view](#)

APC Citation v.3 [390] p.518 – 21 February 1737 – entry 3

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.128: PC 2/94/128

[view](#)

APC Citation v.3 [390] p.519–529 – 28 February 1738 – entry 4

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.433–445: PC 2/94/433–445

[view](#)

APC Citation v.3 [390] p.529 – 8 March 1736 *recte* 1738 – entry 5

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.476: PC 2/94/476

[view](#)

APC Citation v.3 [390] p.529 – 10 July 1740 – entry 6

PC Register Citation George II v.7 (1 April 1740 – 7 August 1741) p.160: PC 2/96/160

[view](#)

APC Citation v.3 [390] p.530 – 28 April 1741 – entry 7

PC Register Citation George II v.7 (1 April 1740 – 7 August 1741) p.463: PC 2/96/463

[view](#)

APC Citation v.3 [390] p.530 – 7 May 1752 – entry 8

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.525, 536: PC 2/102/525, 536

[view](#)

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.46, 51–54, 70: PC 2/103/46, 51–54, 70

[view](#)

Colonial Courts

Inferior Court of Common Pleas – 6 January 1735

Superior Court of Judicature – 30 March 1736

Superior Court – 2 April 1739

Participants

Bishop of London

Brenton, Jahleel, esquire

Bull, Ivich

Bundy, James

Cheesbrough, David, gentleman, of Newport

Church, Benjamin, gentleman, of Newport

Coggeshall, Peter, gentleman, of Newport

Congdon, William

Gardner, Henry the Elder

Gardner, Ephriam, esquire

Hassard (Hazard), Robert, gentleman (tenant of Joseph Torrey)

Holme, James of South Kingstown

MacSparran, James, incumbent minister of St. Paul’s in the Pettiquamscot (Pettiquamscut, Petequamscut)

Purchase and in King’s County

Mumford, George

Mumford, William, gentleman, of South Kingstown

Nyles, Rev. Samuel, minister

Potter, Thomas (tenant of James MacSparran)

Sandford, Thomas, merchant, of London

Smith, John, surveyor

Society for the Propagation of the Gospel in Foreign Parts

Torrey, Joseph, minister

Townshend, Nathaniel, jun., gentleman, of Newport

Wilber (Wilbor), Samuel (partner in the Pettiquamscot Purchase, also spelled Pettiquamscut, Petequamscut)

Description

Land (“writ of ejectment,” according to the *APC*; “Action of Trespass and Ejectment,” according to the Privy Council register)

Disposition

Affirmed

Notes

Related to other Privy Council appeals:

MacSparran v Mumford – Report No. 11_1725_00 (*APC*, v.3 [85] p.118)

Torrey v Mumford – Report No. 11_1733_00 (*APC*, v.3 [293] p.402)

All of these Privy Council appeals concern a dispute about glebe land and have overlapping parties. There is an extensive discussion of this dispute in Bilder, *Salamanders and Sons of God*, ch. 6.

Multiple spellings are given for the surname of the Presbyterian minister – Miles in Torrey v Mumford; Nyles in MacSparran v Hassard; Myles in Chalmers, *Opinions of Eminent Lawyers*, 1:9.

A related colonial case, Torrey v Gardner, was heard in the Inferior Court on 24 June 1735 and in the Superior Court on 2 September 1735, but does not seem to have been appealed.

On the original action involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (McSparran v Hazzard)

Additional Sources

The entire dispute produced something of a pamphlet war: *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministry land at Narraganset* [Torrey, *Brief Representation*]; *A brief representation of the case depending between the Rev. Dr. Mc'Sparran, plaintiff, and the Rev. Mr. Torrey, defendant, relating to the ministerial land in Narraganset in a letter from a gentleman at Newport to his friend in Boston* [A.B., *Brief Representation*]; *An answer to a printed letter said to be wrote from a gentleman in Newport to his friend in Boston Aug. 27; pretending to find fault with a brief representation of the case between Dr. McSparran plaintiff and Mr. Torrey defendant, relating to the ministry land in South Kingstown, Narragansett, which was dated July 1739* [Prince, *Brief Representation*].

See the detailed index in Manross, *Fulham Papers*. He summarizes enlightening correspondence and documentation about this case, which is reproduced on Reel 5 of Lambeth Palace Library, *Fulham Papers*. Of special note is “Dr. MacSparran’s narrative of the lawsuit concerning the glebe land at Narragansett in New England” in manuscript.

DOCUMENTATION

Printed Cases

Appellant’s case		Case of the appellant (MacSparran)	
Counsel		[Signed] W. Murray	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36217 f. 1–2	view
Library		Law Library of Congress: Sir George Lee collection (Minor underlining on first page)	view
Respondent’s case		Case of the respondent (Hassard)	
Counsel		[Signed] D. Ryder; A. Hume-Campbell	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.3–6 (Includes manuscript notes)	view
Library		Law Library of Congress: Sir George Lee collection (Includes manuscript notes)	view
		Privy Council Documents in PC 1 at The National Archives at Kew	
		Not found	

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Appeals to the Privy Council

Report No. 11_1737_00

Brenton v Brenton

Rhode Island

Case Name Short Brenton v Brenton

Case Name Long Benjamin Brenton v Jahleel Brenton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [403] p.563 – 17 March 1737 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.140: PC 2/94/140

[view](#)

APC Citation v.3 [403] p.563 – 22 March 1739 – entry 2

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.95–98, 143–144: PC 2/95/95–98, 143–144

[view](#)

Colonial Courts

Court of Common Pleas – 6 January 1736

Superior Court – 30 March 1736

Participants

Brenton, Abigail (daughter of William Brenton)

Brenton, Benjamin of Newport (great-grandson of William Brenton)

Brenton, Ebenezer (son of William Brenton)

Brenton, Jahleel (executor of William Brenton)

Brenton, Jahleel (deceased son and formerly executor of William Brenton)

Brenton, Mehetabel (daughter of William Brenton)

Brenton, Sarah (daughter of William Brenton)

Brenton, William (deceased great-grandfather of Benjamin Brenton and father of Jahleel, William, Ebenezer, Sarah, Mehetabel and Abigail)

Brenton, William (son of William Brenton)

Poole, John (son-in-law of William Brenton)

Sandford, Peleg (son-in-law of William Brenton)

Description

Land (action of account arising from the will of William Brenton) in South Kings Town

Disposition

Dismissed without prejudice to Benjamin Brenton to bring an action in the colonial courts

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1738_01

Brown v Allen

Rhode Island

Case Name Short Brown v Allen

Case Name Long Peleg Brown v James Allen and Ezekiel Chever

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [435] p.603 – 8 March 1738 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.481–482: PC 2/94/481–482

[view](#)

APC Citation v.3 [435] p.603–605 – 12 June 1738 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.536, 556–558: PC 2/94/536, 556–558

[view](#)

APC Citation v.3 [435] p.605 – 20 July 1738 – entry 3

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.591: PC 2/94/591

[view](#)

Colonial Courts

Court of Vice Admiralty – 30 March 1736

Inferior Court of Common Pleas – 4 January 1736/7

Superior Court of Judicature – Newport – 29 March 1737

General Assembly – 4 May 1737

Participants

Allen, James

Brown (Browne), Peleg, Collector of his Majesty’s Customs in Rhode Island, of Newport in the County of Bristol

Chever, Ezekiel

Green, ____

Silk, Samuel, master of the *Providence*

Vessels

Providence (sloop)

Description

Duty due on molasses

Disposition

Appeal sustained with details about repayment

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Brown v Allen and Chever)

DOCUMENTATION

Printed Cases

Appellant’s case	Case of the appellant (Brown)	ESTC: N48495	
Counsel	[Signed] D. Ryder; J. Strange		
Note	Printed case for the appellant names the case Brown v Allen		
Library	John Carter Brown Library: bDB G7882 1738 1 (Manuscript notes limited to ‘judgment for the appellant’ on the dorse) (Noted in ESTC? Yes.)		view
Respondent’s case	Case of the respondent (Allen)	ESTC: N48493	
Counsel	[Signed] W. Murray		
Note	Printed case for the respondent names the case Brown v Cheevers and Allen		
Library	John Carter Brown Library: bD738 C515r (Noted in ESTC? Yes.)		view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1738_02

Coggeshall v Coggeshall

Rhode Island

Case Name Short Coggeshall v Coggeshall

Case Name Long Daniel Coggeshall v Mary Coggeshall

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [436] p.605 – 17 March 1738 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.499: PC 2/94/499

[view](#)

APC Citation v.3 [436] p.605 – 12 June 1739 – entry 2

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.5, 164, 166, 167–177, 209–210: PC 2/95/5, 164, 166, 167–177, 209–210

[view](#)

Colonial Courts

Inferior Court – 18 November 1735

Superior Court – 30 March 1736 and 6 September 1737

Participants

Coggeshall, Daniel of North King’s Town in King’s County (grandson of Joshua Coggeshall)

Coggeshall, Joshua (deceased grandfather of Daniel Coggeshall)

Coggeshall, Mary

Description

Land in Portsmouth (trespass and ejectment) related to inheritance dispute

Disposition

Appeal sustained without prejudice to claim for dower

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Coggeshall v Coggeshall)

DOCUMENTATION

Printed Cases

Appellant’s case Case of the appellant (Coggeshall) ESTC: T140450

Counsel [Signed] J. Browne; W. Murray

Library British Library: General Reference Collection – L.3.a.1 [vol. 9] (1) (Bound with appeals to the House of Lords. The ESTC record states in error that the appeal was to that body.) (Noted in ESTC? Yes.)

[view](#)

Library John Carter Brown Library: bD 739 C676r1 (Includes manuscript notes, slightly clipped) (Noted in ESTC? No.)

[view](#)

Respondent’s case Case of the respondent (Coggeshall) ESTC: T140451

Counsel [Signed] D. Ryder; J. Strange

Library British Library: General Reference Collection – L.3.a.1 [vol. 9] (2) (Bound with appeals to the House of Lords. The ESTC record states in error that the appeal was to that body.) (Noted in ESTC? Yes.)

[view](#)

Library John Carter Brown Library: bD 739 C676r (Noted in ESTC? No.)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1738_03

Martin v Gardiner

Rhode Island

Case Name Short Martin v Gardiner

Case Name Long James Martin v William Gardiner by Abigail Gardiner

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [442] p.612 – 25 May 1738 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.551: PC 2/94/551

[view](#)

APC Citation v.3 [442] p.612 – 20 July 1738 – entry 2

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.571, 593: PC 2/94/571, 593

[view](#)

Colonial Courts

Superior Court – Newport – 29 March 1737

Participants

Gardiner, Abigail (grandmother and guardian of William Gardiner)

Gardiner, William, infant, of South Kingstown in King's County (grandson of Abigail Gardiner)

Martin, James

Description

Not stated in the *APC*, but according to Bilder, *Salamanders and Sons of God*, p.344–345, a land dispute related to inheritance. Like Martin v Gibbs (11_1738_04, *APC*, v.3 [451] p.618), it arises upon the death of Elizabeth Gibbs Gardiner Martin, the wife of James Martin.

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Martin v Gardiner)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1738_04

Martin v Gibbs

Rhode Island

Case Name Short Martin v Gibbs

Case Name Long James Martin v Elizabeth Gibbs

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [451] p.618 – 30 November 1738 – entry 1

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.5, 48: PC 2/95/5, 48

[view](#)

APC Citation v.3 [451] p.618 – 21 December 1738 – entry 2

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.62, 64: PC 2/95/62, 64

[view](#)

Colonial Courts

General Court – 26 October 1737

Participants

Gibbs, Elizabeth of Newport

Gibbs, William, deceased painter

Martin, James

Description

Estate dispute. According to Bilder, *Salamanders and Sons of God*, p.344–345, like Martin v Gardiner (11_1738_03, APC, v.3 [436] p.605), this case arises upon the death of Elizabeth Gibbs Gardiner Martin, the wife of James Martin.

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1745_01

Fogg v Harvey

Rhode Island

Case Name Short Fogg v Harvey

Case Name Long Edward Fogg v William Harvey

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [12] p.10 – 7 November 1745 – entry 1

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.225, 242–243: PC 2/99/225, 242–243

[view](#)

APC Citation v.4 [12] p.10 – 28 November 1745 – entry 2

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.260–261, 268: PC 2/99/260–261, 268

[view](#)

Colonial Courts

Inferior Court

Superior Court of Judicature – 27 March 1744

Court of Equity – Court of Equity abolished and appeals directed to Privy Council

Participants

Fogg, Edward

Harvey, William, merchant, of Charleston in South Carolina

Description

Indebtedness

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Fogg v Harvey)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1745_02

Potter v Freeborn

Rhode Island

Case Name Short Potter v Freeborn

Case Name Long John Potter v Joseph and Dorcas Freeborn

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [16] p.12 – 7 November 1745 – entry 1

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.242: PC 2/99/242

[view](#)

APC Citation v.4 [16] p.12–13 – 30 June 1752 – entry 2

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.190: PC 2/100/190

[view](#)

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.155: PC 2/103/155

[view](#)

APC Citation v.4 [16] p.13 – 6 August 1752 – entry 3

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.158–160, 177–178: PC 2/103/158–160, 177–178

[view](#)

Colonial Courts

Inferior Court – 21 February 1744

Superior Court – 27 March 1744

Participants

Baker, Fotherley (solicitor for Dorcas Freeborn)

Freeborn, Dorcas (wife, later widow, of Joseph Freeborn)

Freeborn, Joseph (husband, later deceased, of Dorcas Freeborn)

Paris, Mr. (solicitor for John Potter)

Potter, John, yeoman, of South Kingstown in King's County (executor of Samuel Potter)

Potter, Samuel

Description

Action of debt arising, according to Bilder, *Salamanders and Sons of God*, p.304, from an inheritance dispute

Disposition

Affirmed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Potter v Freeborn)

DOCUMENTATION

Printed Cases

Appellant's case Case of the appellant (Potter)

Note Not found

Respondent's case Case of the respondent (Freeborn)

Counsel [Signed] Al. Forrester

Library Law Library of Congress: Sir George Lee collection (2 copies of the respondent's case)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1746_01

Rous v Hassard
Hassard v Rous

Rhode Island

Case Name Short Rous v Hassard
Hassard v Rous

Case Name Long John Rous v Benjamin Hassard, Robert Carr, John Easton and Jonathan Hassard
Benjamin Hassard, Robert Carr, John Easton and Jonathan Hassard v John Rous

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [20] p.14 – 27 February 1745/6 – entry 1

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.369: PC 2/99/369

[view](#)

APC Citation v.4 [20] p.14 – 11 April 1750 – entry 2

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.511, 542, 543–544, 547: PC 2/101/511, 542, 543–544, 547

[view](#)

Colonial Courts

Inferior Court – 31 May 1743

Superior Court – 6 September 1743

Court of Equity – Providence – 11 October 1743

Participants

Carr, Robert

Easton, John

Hassard, Benjamin

Hassard, Jonathan

Rous, John, commander of the bilander privateer, the *Young Eagle*, of Boston

Vessels

Young Eagle (bilander)

Kingston aka the *South Kingstown* (sloop)

Description

Seizure of the *Kingston* by the privateer *Young Eagle*. Smith (p.520) explains the argument as to whether this was in fact a prize cause.

Disposition

Judgments of the colonial courts are all reversed.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Rous v Hazzard)

DOCUMENTATION

Printed Cases

Appellant's case

Case of the appellant/respondent (Hassard)

Counsel [Signed] Wm. Noel; A. Hume-Campbell

Library New York Public Library. Schwarzman Building: Rare Book Collection *KC+++ p.v.20–21 (Great Britain. High Court of Appeal for Prizes) (This case is in v.21.)

Respondent's case

Case of the appellant/respondent (Rous)

Counsel [Signed] D. Ryder; W. Murray

Library Law Library of Congress: Sir George Lee collection (Includes manuscript notes)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1746_02

Vanbrugh v Powers
Powers v Vanbrugh

Rhode Island

Case Name Short Vanbrugh v Powers
Powers v Vanbrugh

Case Name Long David Vanbrugh and Samuel Carpenter v Joseph Powers
Joseph Powers v David Vanbrugh and Samuel Carpenter

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.4 [31] p.23 – 23 July 1746 – entry 1	
PC Register Citation	George II v.10 (1 March 1745 – 31 July 1746) p.534: PC 2/99/534	view
APC Citation	v.4 [31] p.24 – 23 July 1746 – entry 2 (A second entry on the same day.)	
PC Register Citation	George II v.10 (1 March 1745 – 31 July 1746) p.534: PC 2/99/534	view
APC Citation	v.4 [31] p.24 – 12 March 1747 – entry 3	
PC Register Citation	George II v.11 (1 August 1746 – 30 April 1748) p.143, 183–184: PC 2/100/143, 183–184	view
APC Citation	v.4 [31] p.24 – 23 May 1751 – entry 4	
PC Register Citation	George II v.13 (1 May 1750 – 30 March 1752) p.240–241: PC 2/102/240–241	view
APC Citation	v.4 [31] p.24 – 9 July 1751 – entry 5	
PC Register Citation	George II v.13 (1 May 1750 – 30 March 1752) p.262: PC 2/102/262	view
APC Citation	v.4 [31] p.24 – 31 October 1751 – entry 6	
PC Register Citation	George II v.13 (1 May 1750 – 30 March 1752) p.330–332, 352: PC 2/102/330–332, 352	view

Colonial Courts

Court of Equity – 11 October 1743 – re Powers
Unnamed – 15 November 1743 – re Vanbrugh
Superior Court – 27 March 1744 – re Vanbrugh
Superior Court of Rhode Island – 26 March 1745 – re Vanburgh

Participants

Ayrault, Daniel, jun. (appointed auditor who declined to serve)
Carpenter, Samuel, merchant, of Kingston in Jamaica
Clark, Jeremiah (auditor)
Coddington, William (auditor)
Gibbs, Robert (auditor)
Powers, Joseph, mariner, of Newport
Rodman, Capt. Samuel (appointed auditor who declined to serve)
Thurston, Capt. Jonathan (appointed auditor who declined to serve)
Vanbrugh, Daniel, merchant, of Kingston in Jamaica

Description

Bill of exchange (Powers v Vanbrugh)
Action of account that, according to Bilder, *Salamanders and Sons of God*, p.297, involves Indian slaves (Vanbrugh v Powers)

Disposition

Dismissed for non-prosecution (Powers v Vanbrugh)
Reversed (Vanbrugh v Powers)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1746_03

Polock v Verplank

Rhode Island

Case Name Short Polock v Verplank

Case Name Long Isaac Polock v Gulian Verplank

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [40] p.34–35 – 17 November 1746 – entry 1

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.41: PC 2/100/41

[view](#)

APC Citation v.4 [40] p.35 – 12 March 1747 – entry 2

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.143–144, 184: PC 2/100/143–144, 184

[view](#)

Colonial Courts

Superior Court – Newport – 3 September 1745

Participants

Polock, Isaac

Verplank, Gulian, merchant, of New York City

Description

Action of debt

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1746_04

Tripp v Tripp

Rhode Island

Case Name Short Tripp v Tripp

Case Name Long Wait Tripp v Benjamin Tripp

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [43] p.36–37 – 17 November 1746 – entry 1

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.42: PC 2/100/42

[view](#)

APC Citation v.4 [43] p.37 – 14 January 1752 – entry 2

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.170: PC 2/100/170

[view](#)

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.403–405, 427–428: PC 2/102/405–404, 427–428

[view](#)

Colonial Courts

Superior Court – 2 October 1744

Superior Court – Newport – 26 March 1745

Participants

Tripp, Benjamin

Tripp, Mary

Tripp, Othniel, deceased yeoman, of Newport

Tripp, Wait (widow)

Description

Land in dispute, part of the estate of Othniel Tripp

Disposition

Dismissed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1747_01

Staniford v Newell

Rhode Island

Case Name Short Staniford v Newell

Case Name Long John Staniford v Timothy and Margaret Newell

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [51] p.40–41 – 12 February 1747 – entry 1

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.141: PC 2/100/141

[view](#)

APC Citation v.4 [51] p.41 – 12 March 1747 – entry 2

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.144, 184: PC 2/100/144, 184

[view](#)

Colonial Courts

Superior Court

Superior Court – 27 March 1744

Participants

Newell, Margaret of Newport (wife of Timothy Newell)

Newell, Timothy of Newport (husband of Margaret Newell)

Partridge, Richard (attorney for Timothy and Margaret Newell)

Staniford, John

Description

Land in Newport (action of ejectment). Bilder, *Salamanders and Sons of God*, p.307, indicates the dispute arose over the validity of a will.

Disposition

Dismissed for non-prosecution

Notes

On the action of ejectment involved here, see Additional Research.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1747_02

Freebody v Wanton

Rhode Island

Case Name Short Freebody v Wanton

Case Name Long John Freebody v Joseph Wanton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [56] p.42 – 3 June 1747 – entry 1

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.274–275: PC 2/100/274–275

[view](#)

APC Citation v.4 [56] p.42 – 30 April 1751 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.177, 178–179, 186–187, 210: PC 2/102/177, 178–179, 186–187, 210

[view](#)

Colonial Courts

Inferior Court – 27 May 1746

Superior Court – 2 September 1746

Participants

Freebody, John, merchant, of Newport

Wanton, Joseph

Description

Trespass relating to seizure of goods from warehouse

Disposition

Reversed with limit on damages

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1747_03

Brenton v Remington

Rhode Island

Case Name Short Brenton v Remington

Case Name Long Benjamin Brenton v Gersham Remington

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [57] p.42 – 3 June 1747 – entry 1

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.219, 275: PC 2/100/219, 275

[view](#)

APC Citation v.4 [57] p.42 – 30 April 1751 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.142–143, 209–210: PC 2/102/142–143, 209–210

[view](#)

Colonial Courts

Inferior Court

Superior Court – 25 March 1746

Participants

Brenton, Benjamin, mariner, of Newport
Remington, Gersham

Description

Land (“writ of ejectment,” according to the *APC*; “Writ of Trespass and Ejectment,” according to the Committee report) in Jamestown, Newport County

Disposition

Dismissed

Notes

On the original action involved here, see [Additional Research](#).

The dispute, according to Bilder, *Salamanders and Sons of God*, p.305, continues attempts by the Brenton family to reclaim land long held by the Remingtons (Remington v Brenton, 11_1709_00, *APC*, v.2 [1095] p.605).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Brenton v Remington)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1748_00

Gibbs v Sheldon

Rhode Island

Case Name Short Gibbs v Sheldon

Case Name Long Robert Gibbs v Jonathan Sheldon

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [94] p.72 – 15 November 1748 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.113: PC 2/101/113

[view](#)

APC Citation v.4 [94] p.72 – 28 November 1748 – entry 2

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.116–117, 119–120: PC 2/101/116–117, 119–120

[view](#)

Colonial Courts

Inferior Court – 20 December 1743

Superior Court – 27 March 1744

Superior Court – 2 October 1744

Participants

Gibbs, Robert

Partridge, Richard (agent of Jonathan Sheldon)

Sheldon, Jonathan, master of the sloop *Hopewell*, of Providence

Vessels

Hopewell (sloop)

Description

Not stated in the *APC*, but Bilder, *Salamanders and Sons of God*, p.302, indicates allegations of fraud over the loss of a ship.

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1749_01

Wheelwright v Tyler

Rhode Island

Case Name Short Wheelwright v Tyler

Case Name Long Nathaniel Wheelwright v Ebenezer Tyler

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [112] p.84 – 85 – 12 June 1749 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.248, 263: PC 2/101/248, 263

[view](#)

APC Citation v.4 [112] p.85 – 14 January 1752 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.391–395, 427: PC 2/102/391–395, 427

[view](#)

Colonial Courts

Inferior Court – 17 September 1747

Superior Court – 1 March 1748

Participants

Dumoulin, Lewis of Boston in Massachusetts

Pearce, William

Tyler, Ebenezer

Wheelwright, Nathaniel, merchant, of Boston in Massachusetts

Description

Action of trover. Bilder, *Salamanders and Sons of God*, p.300, describes as commercial transaction.

Disposition

Reversed, except for the award of costs to the appellant given below, and with directions for further proceedings in the Superior Court

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1749_02

Taylor v Clark

Rhode Island

Case Name Short Taylor v Clark

Case Name Long George and Mary Taylor v James and Mary Clark

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [117] p.92–93 – 23 November 1749 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.364: PC 2/101/364

[view](#)

APC Citation v.4 [117] p.93 – 17 January 1750 – entry 2

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.396, 429–430: PC 2/101/396, 429–430

[view](#)

Colonial Courts

Inferior Court of Common Pleas for Providence – 21 June 1748

Superior Court of Judicature, Court of Assize and general gaol delivery – Providence – 21 March 1749

Participants

Clark, James (husband of Mary Clark)

Clark, Mary (wife of James Clark)

Harris, Job (deceased former husband of Mary Taylor)

Taylor, George, schoolmaster, of Providence (husband of Mary Taylor)

Taylor, Mary (wife of George Taylor and former wife of Job Harris)

Description

Action for dower in a suit, according to Bilder, *Salamanders and Sons of God*, p.308, between mother and daughter

Disposition

Appeal admitted; further disposition not stated in *Acts of the Privy Council, Colonial Series*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Taylor v Clarke)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1749_03

Channing v Fenner

Rhode Island

Case Name Short Channing v Fenner

Case Name Long John Channing v Arthur Fenner

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [118] p.93 – 23 November 1749 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.364–365: PC 2/101/364–365

[view](#)

APC Citation v.4 [118] p.93 – 23 January 1752 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.456–459, 464: PC 2/102/456–459, 464

[view](#)

Colonial Courts

Inferior Court

Superior Court – Newport – 7 March 1749

Participants

Bowler, Charles

Channing, John, merchant, of Newport

Cooke, Robert of Newport

Fenner, Arthur (father of James Fenner)

Fenner, James (son of Arthur Fenner)

Sheldon, Jonathan, master of the *Providence*

Vessels

Providence (brigantine)

Description

Insurance dispute

Disposition

Affirmed with directions for proceeding in the Superior Court

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1750_00

Clemence v Angel

Rhode Island

Case Name Short Clemence v Angel

Case Name Long Thomas Clemence v John Angel

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [128] p.100 – 11 April 1750 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.549: PC 2/101/549

[view](#)

APC Citation v.4 [128] p.100 – 2 August 1750 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.60–61, 68: PC 2/102/60–61, 68

[view](#)

Colonial Courts

Superior Court – third Tuesday in March 1749

Participants

Angel, John of Providence

Clemence, Thomas

Partridge, Richard (agent for John Angel)

Description

Land (trespass and ejectment) involving fraud, according to Bilder, *Salamanders and Sons of God*, p.307

Disposition

Dismissed for non-prosecution

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1751_00

Rodman v Bannister

Rhode Island

Case Name Short Rodman v Bannister

Case Name Long Robert Rodman v John Bannister

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [158] p.142 – 31 October 1751 – entry 1

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.357: PC 2/102/357

[view](#)

APC Citation v.4 [158] p.142–143 – 7 February 1753 – entry 2

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.122–123, 161, 162, 255, 289–290, 309: PC 2/103/122–123, 161, 162, 255, 289–290, 309

[view](#)

Colonial Courts

Inferior Court – 29 May 1750

Superior Court – April 1751

Participants

Bannister, John, merchant

Isaacks, Jacob

Park, Noble, ship master of the *Noble Jane* (part owner of the *Noble Jane*)

Rodman, Robert, master of the *Noble Jane*

Wynkoop, Cornelius

Vessels

Jacob aka the *Noble Jane* (ship)

Description

Action in trover for the boat

Disposition

Reversed

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Rodman)	
	Counsel [Signed] W. Murray; Al. Forrester	
	Note Respondent's name is spelled Banister on appellant's printed case.	
	Library Law Library of Congress: Sir George Lee collection	view
Respondent's case	Case of the respondent (Bannister)	
	Note Not found	

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1752_01

Peirce v Rice

Rhode Island

Case Name Short Peirce v Rice

Case Name Long John Peirce and Thomas Peirce v John Rice

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [166] p.153 – 14 January 1752 – entry 1

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.438: PC 2/102/438

[view](#)

APC Citation v.4 [166] p.153 – 13 February 1752 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.491–492, 497: PC 2/102/491–492, 497

[view](#)

Colonial Courts

Superior Court – Providence County (several judgments, not all necessarily from this court)

Participants

Peirce, John, yeoman

Peirce, Thomas, yeoman

Rice, John

Description

Inheritance dispute. Bilder, *Salamanders and Sons of God*, p.403, adds that the dispute involves land.

Disposition

Appeal granted; further disposition not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1752_02

Walker v Paget

Rhode Island

Case Name Short Walker v Paget

Case Name Long William Walker v Henry Paget

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [176] p.164 – 7 May 1752 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.74: PC 2/103/74

[view](#)

APC Citation v.4 [176] p.164 – 28 May 1752 – entry 2

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.78–79, 110: PC 2/103/78–79, 110

[view](#)

APC Citation v.4 [176] p.164 – 28 March 1754 – entry 3

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.169, 188: PC 2/103/169, 188

[view](#)

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.28–29, 85–86, 101 : PC 2/104/28–29, 85–86, 101

[view](#)

Colonial Courts

Inferior Court – 15 December 1747

Superior Court – September 1749

Participants

Farmer, Robert, master hackney man, of the parish of St. Dunstan's in the West in Middlesex

Paget, Henry, merchant, of Providence

Richards, John, innholder, of the parish of St. Dunstan's in the West in Middlesex

Walker, William of the county of Providence (father of William Walker)

Walker, William, gentleman, of Aldridge in Staffordshire (son of William Walker)

Description

Land that, according to Bilder, *Salamanders and Sons of God*, p.394, related to inheritance

Disposition

Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Walker v Paget)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1752_03

Whitman v Whitman

Rhode Island

Case Name Short Whitman v Whitman

Case Name Long Noah Whitman v John Whitman

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [191] p.181 – 20 December 1752 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.272–273: PC 2/103/272–273

[view](#)

APC Citation v.4 [191] p.181 – 28 November 1753 – entry 2

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.513–514, 520: PC 2/103/513–514, 520

[view](#)

Colonial Courts

Inferior Court – June 1751

Superior Court – September 1751

Participants

Jenkes, Daniel

Mowry, Jeremiah

Partridge, Richard (agent for John Whitman)

Whitman, John, yeoman, of Smithfield in Providence county

Whitman, Noah

Description

Land (trespass and ejectment) in Smithfield

Disposition

Dismissed for non-prosecution

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1753_00

Borden v Cook

Rhode Island

Case Name Short Borden v Cook

Case Name Long Samuel Borden and Stephen Cook v William Cook

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [192] p.181 – 23 January 1753 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.292: PC 2/103/292

[view](#)

APC Citation v.4 [192] p.181–182 – 29 May 1754 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.136: PC 2/104/136

[view](#)

APC Citation v.4 [192] p.182 – 21 June 1754 – entry 3

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.154–155, 162: PC 2/104/154–155, 162

[view](#)

Colonial Courts

Inferior Court – November 1749

Superior Court – Newport – March 1750

Participants

Borden, Samuel

Cook, Stephen, yeoman, of Tiverton

Cook, William of Tiverton in Newport county

Sharpe, John (appears for William Cook)

Description

Land (“declaration of ejectment,” according to the *APC* and the Privy Council register) in Tiverton

Disposition

Dismissed for non-prosecution

Notes

For the ‘declaration of ejectment’ involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1754_00

Freebody v Cook

Rhode Island

Case Name Short Freebody v Cook

Case Name Long John Freebody v John Cook

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [228] p.235 – 31 January 1754 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.36: PC 2/104/36

[view](#)

APC Citation v.4 [228] p.235 – 28 February 1754 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.55–56, 62: PC 2/104/55–56, 62

[view](#)

APC Citation v.4 [228] p.235 – 9 January 1755 – entry 3

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.100, 111–112, 244, 271–272, 283: PC 2/104/100, 111–112, 244, 271–272, 283

[view](#)

Colonial Courts

Inferior Court – November 1751

Superior Court – March 1752

Participants

Barratt, John, merchant, of the parish of St. Botolph, Bishopsgate in London

Cook, John

Freebody, John, merchant, of Newport

Spooner, Hungerford, merchant, of Abchurch Lane in London

Description

Land, specifically regarding a right of way

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Freebody v Cook)

DOCUMENTATION

Printed Cases

Appellant's case Case of the appellant (Freebody)

Counsel [Signed] Al. Forrester

Library Law Library of Congress: Sir George Lee collection

[view](#)

Respondent's case Case of the respondent (Cook)

Counsel [Signed] W. Murray

Library Law Library of Congress: Sir George Lee collection

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents See the manuscript legal papers relating to Freebody v Cook, 1754, in the Papers and Collection of Peter Force in the Library of Congress, Manuscript Division.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1755_01

Grant v Dyre

Rhode Island

Case Name Short Grant v Dyre

Case Name Long Patrick Grant and Andrew Heatley v Samuel Dyre

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [255] p.275 – 9 January 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.245, 286: PC 2/104/245, 286

[view](#)

APC Citation v.4 [255] p.276 – 12 August 1755 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.490–491, 499: PC 2/104/490–491, 499

[view](#)

Colonial Courts

Inferior Court – 29 May 1753

Superior Court – September 1753

Participants

Dyre, Samuel, jun., mariner, of Newport

Grant, Patrick, merchant, of Newport

Heatley, Andrew, merchant, of Newport

Partridge, Richard (agent for Samuel Dyre, jun.)

Description

Action of trover re molasses

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Grant v Dyre)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1755_02

Stanton v Thompson

Rhode Island

Case Name Short Stanton v Thompson

Case Name Long Daniel Stanton v Elias Thompson

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [266] p.287 – 27 March 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.363–364: PC 2/104/363–364

[view](#)

APC Citation v.4 [266] p.287 – 17 February 1756 – entry 2

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.34, 42: PC 2/105/34, 42

[view](#)

APC Citation v.4 [266] p.287 – 3 March 1759 – entry 3

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.118, 379, 381–382, 396–397: PC 2/106/118, 379, 381–382, 396–397

[view](#)

Colonial Courts

Superior Court – March 1748

Superior Court – October 1749

Participants

Partridge, Richard

Stanton, Daniel of Philadelphia in Pennsylvania (son of Daniel Stanton)

Stanton, Daniel, mariner, of Philadelphia in Pennsylvania (deceased father of Daniel Stanton)

Thompson, Elias

Description

Land in dispute in King’s county, known as Cedar Swamp

Disposition

Dismissed

DOCUMENTATION

Printed Cases

Appellant’s case Case of the appellant (Stanton)

Counsel [Signed] Al. Forrester; Fredk. Campbell

Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.1–2 (Includes manuscript notes)

[view](#)

Respondent’s case Case of the respondent (Thompson)

Counsel [Signed] C. Pratt; C. Yorke

Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.3–10 (Includes manuscript notes)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1755_03

Chaloner v Bland

Rhode Island

Case Name Short Chaloner v Bland

Case Name Long John Chaloner v Elias Bland

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [290] p.319 – 11 November 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.360, 529: PC 2/104/360, 529

[view](#)

APC Citation v.4 [290] p.319 – 13 August 1756 – entry 2

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.256–257, 267: PC 2/105/256–257, 267

[view](#)

Colonial Courts

Inferior Court – February 1754

Superior Court – South Kingstown, King’s county – April 1754

Participants

Bland, Elias, merchant, of London

Chaloner, John, merchant, of Newport

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1755_04

Whipple v Bowen

Rhode Island

Case Name Short Whipple v Bowen

Case Name Long John Whipple v Ephraim Bowen, John Carlisle, and Joseph Sweeting

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [293] p.321 – 28 November 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.543: PC 2/104/543

[view](#)

APC Citation v.4 [293] p.321 – 8 July 1757 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.576: PC 2/104/576

[view](#)

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.543–546, 551: PC 2/105/543–546, 551

[view](#)

Colonial Courts

Inferior Court – 17 December 1754

Supreme Court – 18 March 1755

Participants

Bowen, Ephraim (terretenant under John Mawney)

Carlisle, John (terretenant under John Mawney)

Mawney, John, deceased

Sweeting, Joseph (terretenant under John Mawney)

Whipple, John, gentleman, of Providence (son of Joseph Whipple)

Whipple, Joseph (deceased father of John Whipple)

Description

Land (trespass and ejectment) in Providence. Bilder, *Salamanders and Sons of God*, p.531, adds that it raised issue of inheritance, mortgage, and paper currency.

Disposition

Reversed in part with a further trial ordered on specific issues

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Appellant’s case Case of the appellant (Whipple)

Note Not found

Respondent’s case Case of the respondent (Bowen)

Counsel [Signed] Alex. Forrester

Library Law Library of Congress: Sir George Lee collection

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1755_05

Hazard v Hazard

Rhode Island

Case Name Short Hazard v Hazard

Case Name Long Benjamin Hazard v Mary Hazard

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [294] p.321 – 28 November 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.543–544: PC 2/104/543–544

[view](#)

Colonial Courts

Inferior Court – 20 February 1753

Superior Court – October 1753

Participants

Brinley, Francis

Hazard, Benjamin

Hazard, George, deceased

Hazard, Mary (now wife of John Potter and administratrix of George Hazard)

Potter, John (husband of Mary Hazard)

Description

Dispute over currency allegedly owed by administratrix

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1755_06

Whipple v Ninigret

Rhode Island

Case Name Short Whipple v Ninigret

Case Name Long Joseph Whipple, Daniel Coggeshall, John Spencer, Samuel Perry, and David Anthony v Thomas Ninigret by Jonathan Nichols, guardian

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [295] p.321 – 28 November 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.238, 544: PC 2/104/238, 544

[view](#)

APC Citation v.4 [295] p.322 – 18 December 1755 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.550, 561: PC 2/104/550, 561

[view](#)

Colonial Courts

Inferior Court – 5 August 1746

Superior Court – Newport – 2 September 1746

Participants

Anthony, David, esquire

Coggeshall, Daniel, esquire

Nichols, Jonathan of Newport (guardian of Thomas Ninigret)

Ninigret, Thomas, gentleman, infant and sachem of Narragansett Indian tribe

Perry, Samuel, esquire

Spencer, John, esquire

Whipple, Joseph, esquire

Description

Land (trespass and ejectment) in Charles Town, King’s county; extensive explanation in Bilder, *Salamanders and Sons of God*, p.310–316

Disposition

Dismissed for non-prosecution

Notes

On the action of ‘trespass and ejectment’ involved here, see Additional Research.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1756_00

Brenton v Sylvester

Rhode Island

Case Name Short Brenton v Sylvester

Not a 'true' appeal.

Case Name Long Jahleel Brenton, Benjamin Wickham and George Gardner v Joseph Sylvester

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [297] p.323 – 7 January 1756 – entry 1

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.2: PC 2/105/2

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Brenton, Jahleel, esquire

Browne, Mr. (appears for Joseph Sylvester)

Gardner, George

Smith, Mr. (appears for Joseph Sylvester)

Sylvester, Joseph

Wickham, Benjamin, merchant

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Related to other Privy Council Appeals:

Freebody v Brenton – Report No. 11_1758_00 (*APC*, v.4 [366] p.395–396)

Freebody v Brenton – Report No. 11_1766_04 (*APC*, v.5 [14] p.24)

The only record in the *APC* in Brenton v Sylvester notes an appearance of counsel for Sylvester, respondent in an appeal brought by Brenton, Wickham, and Gardiner (the more common spelling in the related appeals). Brenton, Wickham, and Gardiner, as we learn in Freebody v Brenton, were commissioners for the distribution of the estate of the insolvent Joseph Whipple. The two Freebody v Brenton cases are closely related. They involve mortgages, in which the elder Freebody seems to have been the mortgagee, and a dispute about whether the conditions of the mortgages had been fulfilled. The first of the two cases is an appeal by the elder Freebody. The second of the two cases is a revival of the first appeal brought by the elder Freebody's sons as executors of his estate. The relationship of these cases to Brenton v Sylvester may simply be that the commissioners for the distribution of the estate of the insolvent Joseph Whipple were involved in both, or it may be closer. The records that we have examined do not allow us to tell which it is.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1757_00

Isaacs v Merrett

Rhode Island

Case Name Short Isaacs v Merrett

Case Name Long Jacob Isaacs v John Merrett

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [331] p.348–349 – 26 March 1757 – entry 1

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.471: PC 2/105/471

[view](#)

APC Citation v.4 [331] p.349 – 24 February 1758 – entry 2

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.33–35, 40: PC 2/106/33–35, 40

[view](#)

Colonial Courts

Inferior Court – 17 December 1755

Superior Court – 23 March 1756

Participants

Isaacs, Abraham (deceased husband of Hannah Isaacs)

Isaacs, Hannah (widow and former administratrix of Abraham Isaacs but now also deceased)

Isaacs, Jacob of Newport (administrator of estate of Abraham Isaacs)

Merrett, John

Description

Dispute involving promissory note

Disposition

Reversed without prejudice to respondent's right to recover against appellant as administrator of estate

Notes

Original judgment obtained in New York.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Isaacs v Merritt)

DOCUMENTATION

Printed Cases

Appellant's case

Case of the appellant (Isaacs)

Counsel [Signed] Al. Forrester

Note Appellant's name is spelled Isaacks on the appellant's printed case.

Library Law Library of Congress: Sir George Lee collection

[view](#)

Respondent's case

Case of the respondent (Merrett)

Counsel [Signed] C. Pratt

Note Appellant's name is spelled Isaacks on the respondent's printed case.

Library Law Library of Congress: Sir George Lee collection

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1758_00

Freebody v Brenton

Rhode island

Case Name Short Freebody v Brenton

Case Name Long John Freebody (later Samuel, John and Thomas Freebody) v Jahleel Brenton, Benjamin Wickham and George Gardiner

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [366] p.395–396 – 21 November 1758 – entry 1

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.284–285: PC 2/106/284–285

[view](#)

APC Citation v.4 [366] p.396 – 1 May 1764 – entry 2

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.419–420: PC 2/110/419–420

[view](#)

APC Citation v.4 [366] p.396 – 3 August 1764 – entry 3

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.562–568, 593–594: PC 2/110/562–568, 593–594

[view](#)

Colonial Courts

Lower court unnamed

Superior Court – March 1757 (multiple judgments)

Participants

Brenton, Jahleel (commissioner for the distribution of the estate of Joseph Whipple)

Freebody, John, merchant, of Newport (now deceased father of John, Thomas, and Samuel Freebody)

Freebody, John (son of John Freebody)

Freebody, Samuel (son of John Freebody)

Freebody, Thomas (son of John Freebody)

Gardiner, George (commissioner for the distribution of the estate of Joseph Whipple)

Whipple, Joseph, an insolvent

Wickham, Benjamin (commissioner for the distribution of the estate of Joseph Whipple)

Description

Land (trespass and ejectment) re two properties, one of 520 acres and another of 287 acres in Middletown. The dispute is about the “depreciation of the old tenor bills of credit which were named in the condition of the mortgage,” according to the *APC*.

Disposition

Reversed but “on payment of certain sums defendants may have the mortgaged premises reconveyed to them”

Notes

Related to other Privy Council appeals:

Brenton v Sylvester – Report No. 11_1756_00 (*APC*, v.4 [297] p.323)

Freebody v Brenton – Report No. 11_1766_04 (*APC*, v.5 [14] p.24)

The only record in the *APC* in Brenton v Sylvester notes an appearance of counsel for Sylvester, respondent in an appeal brought by Brenton, Wickham, and Gardiner. Brenton, Wickham, and Gardiner, as we learn in Freebody v Brenton, were commissioners for the distribution of the estate of the insolvent Joseph Whipple. The two Freebody v Brenton cases are closely related. They involve mortgages, in which the elder Freebody seems to have been the mortgagee, and a dispute about whether the conditions of the mortgages had been fulfilled. The first of the two cases is an appeal by the elder Freebody. The second of the two cases is a revival of the first appeal brought by the elder Freebody’s sons as executors of his estate. The relationship of these cases to Brenton v Sylvester may simply be that the commissioners for the distribution of the estate of the insolvent Joseph Whipple were involved in both, or it may be closer. The records that we have examined do not allow us to tell which it is.

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Freebody v Brenton) (extensive discussion)

DOCUMENTATION

Printed Cases

Appellant’s case

Case of the appellant in the first and second appeals (Freebody)

Counsel

[Signed] Tho. Sewell; Al. Forrester

Library	British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.75–76 (first appeal) and f.77–78 (second appeal)	view
Respondent's case	Case of the respondent in the first and second appeals (Brenton)	
Counsel	[Signed] C. Ambler; C. Yorke	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.79–81 (first appeal) and f.82–84 (second appeal) (First appeal includes manuscript notes. In second appeal, manuscript notes are limited to counsel names on the dorse.)	view
Privy Council Documents in PC 1 at The National Archives at Kew		
TNA Document		
Notes about Document	All PC 1 documents for this action are entered under Report No. 11_1766_04 (Freebody v Brenton).	
		view this report for printing

Appeals to the Privy Council

Report No. 11_1759_00

Moss v Hopkins

Rhode Island

Case Name Short Moss v Hopkins

Case Name Long Boyle Moss v Esek Hopkins

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [393] p.420 – 27 April 1759 – entry 1

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.497: PC 2/106/497

[view](#)

APC Citation v.4 [393] p.420 – 28 September 1759 – entry 2

PC Register Citation George II v.18 (2 May 1759 – 10 July 1760) p.159: PC 2/107/159

[view](#)

Colonial Courts

Superior Court – Providence – October 1757

Participants

Duroure, Francis of Throgmorton Street (appears for Esek Hopkins)

Hopkins, Esek, commander of the *Providence*

Moss, Boyle, mariner and master of the *Sally*, of Dublin

Vessels

Sally (brigantine)

Providence

Description

Court-ordered forfeiture of the brigantine *Sally* to the commander of the privateer *Providence*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1760_01

Creaugh v Whitfield

Rhode Island

Case Name Short Creaugh v Whitfield

Case Name Long Paul Creaugh v Charles Whitfield

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [426] p.460 – 1 July 1760 – entry 1

PC Register Citation George II v.18 (24 May 1759 – 10 July 1760) p.417: PC 2/107/417

[view](#)

APC Citation v.4 [426] p.460 – 11 July 1760 – entry 2

PC Register Citation George II v.18 (2 May 1759 – 10 July 1760) p.425, 444–445: PC 2/107/425, 444–445

[view](#)

Colonial Courts

Inferior Court – 15 November 1757

Superior Court – August 1758

Participants

Creaugh, Paul

Whitfield, Charles, mariner, of Newport

Description

Action of sur trover

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Creaugh v Whitefield)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1760_02

Larkin v York

Rhode Island

Case Name Short Larkin v York

Case Name Long John Larkin v Edward York

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [431] p.463 – 27 October 1760 – entry 1

PC Register Citation George III v.1 (25 October 1760 – 31 December 1761) p.18: PC 2/108/18

[view](#)

APC Citation v.4 [431] p.463 – 2 July 1761 – entry 2

PC Register Citation George III v.1 (25 October 1760 – 31 December 1761) p.170, 362, 410, 426–427: PC 2/108/170, 362, 410, 426–427

[view](#)

Colonial Courts

Inferior Court of Common Pleas – February 1759

Superior Court – October 1759

Participants

Larkin, John, yeoman, of Westerly in King's county
York, Edward

Description

Land (upon an ejectment) in Quannicontague Neck which, according to Bilder, *Salamanders and Sons of God*, p.505 n.2, involves future interests.

Disposition

Both judgments reversed.

Notes

On the action of ejectment involved here, see Additional Research.

DOCUMENTATION

Printed Cases

Appellant's case	Case of appellant (Larkin)	
	Counsel [Signed] C. Pratt; Al. Forrester	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.101–102 (Includes manuscript notes)	view
Respondent's case	Case of respondent (York)	
	Counsel [Signed] C. Yorke; Tho. Sewell	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.103–104	view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1761_00

Simons v Wanton

Rhode Island

Case Name Short Simons v Wanton

Case Name Long Peter Simons v Joseph Wanton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [463] p.502 – 23 November 1761 – entry 1

PC Register Citation George III v.1 (25 October 1760 – 31 December 1761) p.590: PC 2/108/590

[view](#)

APC Citation v.4 [463] p.502 – 12 April 1762 – entry 2

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.175, 201–202: PC 2/109/175, 201–202

[view](#)

Colonial Courts

Inferior Court – November 1757

Superior Court – March 1758

Participants

Simons, Peter

Wanton, Joseph of Newport

Description

Action to recover £65,421 13s 4d (old tenor of Rhode Island)

Disposition

Dismissed for non-prosecution

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Simon v Wanton)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 11_1762_01

Read v Nicholls

Rhode Island

Case Name Short Read v Nicholls

Case Name Long William Read v Benjamin Nicholls

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [484] p.544 – 25 June 1762 – entry 1

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.268–269: PC 2/109/268–269

[view](#)

APC Citation v.4 [484] p.544 – 3 August 1762 – entry 2

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.299–300, 325: PC 2/109/299–300, 325

[view](#)

Colonial Courts

Inferior Court – May 1758

Superior Court – March 1759 (affirming lower court judgment)

Superior Court – August 1760 (another judgment barring a writ of *scire facias*)

Participants

Nicholls, Benjamin of Newport (executor of Jonathan Nicholls)

Nicholls, Jonathan, deceased

Read, William, merchant, of Newport

Description

Debt due

Disposition

Appeals dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 15 July 1762 – PC 1/50/47

[view_Document](#)

Referenced in *APC*, v.6 [539] p.339

[view_APC](#)

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TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 11_1762_02

Potter v Hazard

Rhode Island

Case Name Short Potter v Hazard

Case Name Long John Potter v George Hazard

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [489] p.548–549 – 1 September 1762 – entry 1

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.353: PC 2/109/353

[view](#)

APC Citation v.4 [489] p.549 – 21 December 1763 – entry 2

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.182–183, 192: PC 2/110/182–183, 192

[view](#)

Colonial Courts

Inferior Court – 11 August 1761

Superior Court – 5 October 1761

Participants

Hazard, George

Peckham, Benjamin, jun. (tenant of George Hazard and original defendant)

Potter, John, yeoman, of South Kingston

Description

Land (trespass and ejectment) in dispute is Little Comfort Island in Point Judith Pond, South Kingston near Mumford’s Island. Bilder, *Transatlantic Constitution*, p.170, adds that the matter is part of an inheritance dispute.

Disposition

Dismissed

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Appellant’s case	Case of the appellant (Potter)	
	Counsel [Signed] Fl. Norton; J. Gardiner	
	Note Appendix to the case of the appellant	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.240–241 (Includes appendix, f.242–243, and manuscript notes)	view
Respondent’s case	Case of the respondent (Hazard)	
	Counsel [Signed] C. Yorke; Al. Forrester	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.244–247 (Includes manuscript notes)	view

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Committee report – 15 Dec. 1763 – PC 1/50/49	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [579] p.359–360	view_APC
view this report for printing		

Appeals to the Privy Council

Report No. 11_1765_01

Stead v Hart
Stead v Elizer

Rhode Island

Case Name Short Stead v Hart
Stead v Elizer

Case Name Long William Stead v Naphthali Hart and Isaac Hart
William Stead v Isaac Elizer

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [600] p.716–717 – 19 March 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.163, 328–329: PC 2/111/163, 328–329

APC Citation v.4 [600] p.717 – 3 December 1766 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.104–105, 114: PC 2/112/104–105, 114

[view](#)

[view](#)

Colonial Courts

Inferior Court – May 1764
Superior Court – Newport – September 1764

Participants

Elizer, Isaac
Hart, Isaac
Hart, Naphthali
Isaacks, Jacob
Isaacks, Moses
Stead, William, merchant, of London

Description

Sums due on note

Disposition

Both reversed

Notes

Related to other Privy Council appeals:

Stead v Isaacs – Report No. 11_1766_01 (*APC*, v.4 [649] p.759)

Isaacks v Stead – Report No. 11_1768_00 (*APC*, v.5 [95] p.175)

Stead v Isaacs and Isaacks v Stead are almost certainly two aspects of the same dispute. The lower court judgments referred to in both cases have the same date, and the Privy Council's register confirms that the names of the courts are the same. In Stead v Isaacs, the Council apparently agrees that Stead did not properly insure the ship in question, and Isaacs is allowed a new trial on the amount of his damages. In Isaacks v Stead, a judgment for Stead in the amount of £1,200 on a bill of exchange is affirmed. Stead's actions against Hart and Elizer are against them as endorsers of a note from Isaacks resulting in a judgment for £1,200. This is probably the same piece of commercial paper as is at stake in the subsequent case. Be that as it may be, Isaacks and Stead are clearly the underlying parties in all four actions.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Committee report (Hart) – 2 Dec. 1766 – PC 1/52/58	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [731] p.440	view_APC
TNA Document	Committee report (Elizer) – 2 Dec. 1766 – PC 1/52/58	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [731] p.440	view_APC

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1765_02

Shearman v Cornell

Rhode Island

Case Name Short Shearman v Cornell

Case Name Long Thomas Shearman v Gideon Cornell

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [603] p.718 – 22 April 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.179: PC 2/111/179

[view](#)

APC Citation v.4 [603] p.718 – 26 June 1767 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.315–317, 356: PC 2/112/315–317, 356

[view](#)

Colonial Courts

Unnamed – 21 May 1763

Superior Court – March 1764

Participants

Cornell, Gideon

Nicholls, Benjamin

Shearman, Ann (wife of Thomas Shearman)

Shearman, Thomas of Portsmouth (husband of Ann Shearman)

Wanton, Joseph

Description

Land in Newport, to which Bilder, *Salamanders and Sons of God*, p.506 n.3, adds the issue of paper currency and mortgage

Disposition

Reversed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Shearman v Cornell)

DOCUMENTATION

Printed Cases

Appellant's case

Case of appellant (Shearman)

Counsel [Signed] C. Yorke; Al. Forrester

Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.115–116 (Includes manuscript notes)

[view](#)

Respondent's case

Case of respondent (Cornell)

Note Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 10 June 1767 – PC 1/53/60

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [761] p.453–454

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1766_01

Stead v Isaacs

Rhode Island

Case Name Short Stead v Isaacs

Case Name Long William Stead v Jacob Isaacs

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [649] p.759 – 28 May 1766 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.632, 638: PC 2/111/632, 638

[view](#)

APC Citation v.4 [649] p.759 – 14 April 1769 – entry 2

PC Register Citation George III v.6 (January 1768 – April 1769) p.477–481, 537: PC 2/113/477–481, 537

[view](#)

Colonial Courts

Inferior Court – Newport – May 1764

Superior Court – Newport – March 1765

Participants

Isaacs, Jacob

Pennegar, William, master of the *Rising Sun*

Stead, William, merchant, of London

Vessels

Rising Sun (ship)

Description

Damages arising from failure to insure properly

Disposition

Reversed and a new trial ordered

Notes

Related to other Privy Council appeals:

Stead v Hart and Stead v Elizer – Report No. 11_1765_01 (*APC*, v.4 [600] p.716–717)

Isaacks v Stead – Report No. 11_1768_00 (*APC*, v.5 [95] p.175)

Stead v Isaacs and Isaacks v Stead are almost certainly two aspects of the same dispute. The lower court judgments referred to in both cases have the same date, and the Privy Council's register confirms that the names of the courts are the same. In Stead v Isaacs, the Council apparently agrees that Stead did not properly insure the ship in question, and Isaacs is allowed a new trial on the amount of his damages. In Isaacks v Stead, a judgment for Stead in the amount of £1,200 on a bill of exchange is affirmed. Stead's actions against Hart and Elizer are against them as endorsers of a note from Isaacks resulting in a judgment for £1,200. This is probably the same piece of commercial paper as is at stake in the subsequent case. Be that as it may be, Isaacks and Stead are clearly the underlying parties in all four actions.

DOCUMENTATION

Printed Cases

Appellant's case

Case of the appellant (Stead)

Counsel [Signed] J Dunning; Fl. Norton

Note Appellant's name is spelled Isaacks on appellant's printed case.

Library Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Includes manuscript notes)

[view](#)

Respondent's case

Case of the respondent (Isaacs)

Counsel [Signed] Wm. DeGrey; G. Nares

Note Appellant's name is spelled Isaacks on respondent's printed case.

Library Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA 70 (Manuscript notes limited to date corrections)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1766_02

Lewis v Wilkinson

Rhode Island

Case Name Short Lewis v Wilkinson

Case Name Long Robert Lewis and Ellis Lewis v Benjamin Wilkinson

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [650] p.759 – 28 May 1766 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.638–639: PC 2/111/638–639

[view](#)

APC Citation v.4 [650] p.759 – 26 June 1767 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.322–323, 357–358: PC 2/112/322–323, 357–358

[view](#)

Colonial Courts

Inferior Court – 18 June 1764

Unnamed – September 1764

Superior Court – Providence – March 1765

Participants

Lewis, Ellis, merchant, of Philadelphia in Pennsylvania

Lewis, Robert, merchant, of Philadelphia in Pennsylvania

Wilkinson, Benjamin

Description

Land (trespass and ejectment)

Disposition

Affirmed

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Lewis v Wilkinson)

DOCUMENTATION

Printed Cases

Appellant's case		Case of the appellant (Lewis)	
Counsel		[Signed] Al. Forrester; Rd. Jackson	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.127–130 (Includes manuscript notes and in manuscript, f.134: “Robert and Ellis Lewis, Appellants. Benjamin Wilkinson, Respondent. Brief state of the Dispute and Observations of the Cases of both sides.”)	view
Library		Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Manuscript notes limited to ‘judgment affirmed’)	
Respondent's case		Case of the respondent (Wilkinson)	
Counsel		[Signed] C. Yorke; J. Dunning	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.131–133 (Includes manuscript notes and in manuscript, f.134: “Robert and Ellis Lewis, Appellants. Benjamin Wilkinson, Respondent. Brief state of the Dispute and Observations of the Cases of both sides.”)	view
Library		Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70	

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Committee report – 10 June 1767 – PC 1/53/60	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [761] p.453–454	view_APC

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1766_03

Arnold v Green

Rhode Island

Case Name Short Arnold v Green

Case Name Long Benjamin Arnold et al v Nathaniel Green

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [7] p.17–18 – October 15 1766 – entry 1

PC Register Citation George III v.5 (August 1766 – January 1768) p.64: PC 2/112/64

[view](#)

APC Citation v.5 [7] p.18 – 26 June 1767 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.330–331, 360: PC 2/112/330–331, 360

[view](#)

Colonial Courts

Inferior Court

Superior Court – 3 September 1765

Participants

Arnold, Benjamin (grandson of Benjamin Green)

Green, Benjamin (grandfather of Arnold Green)

Green, Nathaniel, merchant, of Warwick in Kent county

Description

Land (trespass and ejectment in Cranston, Providence county, land with a dwelling house in a place called ‘Seconasset’)

Disposition

Dismissed for non-prosecution

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 10 June 1767 – PC 1/53/60

[view_Document](#)

Referenced in *APC*, v.6 [761] p.453–454

[view_APC](#)

[view this report for printing](#)

TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 11_1766_04

Freebody v Brenton
Brenton v Freebody

Rhode Island

Case Name Short Freebody v Brenton
Brenton v Freebody

Case Name Long John, Thomas, and Samuel Freebody v Jahleel Brenton, Benjamin Wickham and George Gardiner
Jahleel Brenton, Benjamin Wickham and George Gardiner v John, Thomas and Samuel Freebody

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [14] p.24 – 7 November 1766 – entry 1

PC Register Citation George III v.5 (August 1766 – January 1768) p.79: PC 2/112/79

[view](#)

APC Citation v.5 [14] p.24 – 15 January 1768 – entry 2

PC Register Citation George III v.6 (January 1768 – April 1769) p.8–9, 244: PC 2/113/8–9, 244

[view](#)

APC Citation v.5 [14] p.24 – 11 January 1769 – entry 3

PC Register Citation George III v.6 (January 1768 – April 1769) p.423, 424: PC 2/113/423, 424

[view](#)

APC Citation v.5 [14] p.24 – 14 April 1769 – entry 4

PC Register Citation George III v.6 (January 1768 – April 1769) p.502–513, 538–539: PC 2/113/502–513, 538–539

[view](#)

APC Citation v.5 [14] p.24–25 – 3 February 1772 – entry 5

PC Register Citation George III v.9 (January – December 1772) p.62: PC 2/116/62

[view](#)

APC Citation v.5 [14] p.25 – 28 June 1772 – entry 6

PC Register Citation George III v.9 (January – December 1772) p.336–337: PC 2/116/336–337

[view](#)

APC Citation v.5 [14] p.25 – 18 December 1773 – entry 7

PC Register Citation George III v.10 (January 1773 – April 1774) p.387: PC 2/117/387

[view](#)

APC Citation v.5 [14] p.25 – 6 July 1774 – entry 8

PC Register Citation George III v.11 (May 1774 – May 1775) p.141–148, 170: PC 2/118/141–148, 170

[view](#)

Colonial Courts

Supreme Court – September 1765 (order)

Superior Court – March 1771 (two decrees)

Participants

Brenton, Jahleel (executor of Joseph Whipple)

Freebody, John (executor and son of John Freebody)

Freebody, John of Newport (deceased father of John, Thomas, and Samuel Freebody)

Freebody, Samuel (executor and son of John Freebody)

Freebody, Thomas (executor and son of John Freebody)

Gardiner, George (executor of Joseph Whipple)

Whipple, Joseph, deceased

Wickham, Benjamin (executor of Joseph Whipple)

Description

Dispute about the date from which interest is to be calculated and the manner in which depreciated currency will be computed in the controversy set out in Freebody v Brenton (11_1758_00, *APC*, v.4 [366] p.395)

Disposition

Order to Judges of Superior Court to comply with Orders in Council which, according to Bilder, *Transatlantic Constitution*, p.182, gave the Freebodys their interest with depreciation taken into account.

Notes

Related to other Privy Council appeals:

Brenton v Sylvester – Report No. 11_1756_00 (*APC*, v.4 [297] p.323)

Freebody v Brenton – Report No. 11_1758_00 (*APC*, v.4 [366] p.395–396)

The only record in the *APC* in Brenton v Sylvester notes an appearance of counsel for Sylvester, respondent in an appeal brought by Brenton, Wickham, and Gardiner. Brenton, Wickham, and Gardiner, as we learn in Freebody v Brenton, were commissioners for the distribution of the estate of the insolvent Joseph Whipple. The two Freebody v Brenton cases are closely related. They involve mortgages, in which the elder Freebody seems to have been the mortgagee, and a dispute about whether the conditions of the mortgages had been fulfilled. The first of the two cases is an appeal by the elder Freebody. The second of the two cases is a revival of the first appeal brought by the elder Freebody's sons as executors of his estate. The relationship of these cases to Brenton v Sylvester may simply be that the commissioners for the distribution of the estate of the insolvent Joseph Whipple were involved in both, or it may be closer. The records that we have examined do not allow us to tell

which it is.

A note at the end of the respondent’s printed case states: “There is another appeal and cross appeal depending between the same parties, upon another mortgage . . . and as the proceedings . . . and the questions the same . . . it was thought unnecessary to repeat the same matter in two different printed cases, as the determination of one cause will of course decide the other.”

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Freebody v Brenton) (extensive discussion)

DOCUMENTATION

Printed Cases

Appellant’s case	Case of the appellant in two appeals and as respondent in two cross-appeals (Freebody)	
Counsel	[Signed] Wm. DeGrey; Rd. Jackson	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.218–220 (Includes manuscript notes)	view
Library	Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70	
Respondent’s case	Case of the respondent in two appeals and as appellant in two cross-appeals (Brenton)	
Counsel	[Signed] C. Yorke; C. Ambler	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.221–223 (Includes manuscript notes)	view
Library	Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Includes manuscript notes)	view
Privy Council Documents in PC 1 at The National Archives at Kew		
TNA Document	Committee report (on first appeal) – July 1764 – PC 1/59/5/1	view_Document
Catalogued as	Catalogued by TNA as: Rhode Island: report of Board of Trade upon the revived appeal of Freebody v Brinton [sic], and others from Rhode Island	
TNA Document	Committee report (on second appeal) – 27 July 1764 – PC 1/50/52	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [618] p.371	view_APC
TNA Document	Committee reports of two appeals of Freebody v Brenton with cross-appeals (First appeal) – 15 Mar. 1769 – PC 1/54/64C	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [812] p.470	view_APC
TNA Document	Committee reports of two appeals of Freebody v Brenton with cross-appeals (Second appeal) – 15 Mar. 1769 – PC 1/54/64C	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [812] p.470	view_APC
TNA Document	Letter from Freebodys – 22 July 1771 – PC 1/55/67	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [871] p.505–507	view_APC
TNA Document	Sworn declaration of Freebodys – 29 July 1771 – PC 1/55/67	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [871] p.505–507	view_APC
TNA Document	Letter from J. Pownall to Clerk – 22 Nov. 1771 – PC 1/55/67	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [871] p.505–507	view_APC
TNA Document	Petition of the Freebody’s solicitors – rec’d 3 Feb. 1772 – PC 1/55/69A	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [876] p.507	view_APC
TNA Document	Substance of the proceedings – no date – PC 1/55/69A	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [876] p.507	view_APC
TNA Document	Order of reference – 3 Feb. 1772 – PC 1/55/69A	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [876] p.507	view_APC
TNA Document	Order to the three judges to answer – 26 June 1772 – PC 1/60/10	view_Document
Notes about Document	Many related documents are included in the bundle for PC 1/60/10, but only two are specifically catalogued, the two that have catalogue entries listed below:	
TNA Document	Copy of Freebody’s petition rec’d 3 February 1772 annexed to the 26 June order – no date – PC 1/60/10	view_Document
TNA Document	Answer of James Helme – 2 Dec. 1772 – PC 1/60/10	view_Document
TNA Document	Answer of James Helme (copy) – 2 Dec. 1772 – PC 1/60/10	view_Document
TNA Document	Answer of Metcalf Bowler – 9 Dec. 1772 – PC 1/60/10	view_Document
TNA Document	Answer of Metcalf Bowler (copy) – 9 Dec. 1772 – PC 1/60/10	view_Document
TNA Document	Answer of three of the judges of the Superior Court of Judicature to the petition of the Freebodys – rec’d 12	

	March 1773 – PC 1/60/10	view_Document
Catalogued as	Rhode Island: answer of three of the judges of the Superior Court of Judicature of Rhode Island to the petition of complaint of John, Thomas and Samuel Freebody. Date: 1772 June; 1773 Feb.	
Notes about Document	For an explanation of the answers of various judges see <i>APC</i> , v.6 [871] p.505–507.	view_APC
TNA Document	Affidavits – 12 Dec. 1772 – PC 1/60/10	view_Document
TNA Document	Sketch of report on Freebody’s petition re the enforcement of the Order in Council – 20 June 1774 – PC 1/56/74A	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [928] p.555	view_APC
TNA Document	Report on petition of the Freebodys for enforcing Order of 14 April 1769 – 20 June 1774 – PC 1/60/10	view_Document
Catalogued as	Rhode Island: committee report on petition of John, Thomas and Samuel Freebody for enforcing the Orders in Council of 14 Apr 1769 made on their appeals from Rhode Island; 6 July read and approved and peremptory Order in Council issued. Date: 1774 June 20	
TNA Document	Peremptory Order in Council – 6 July 1774 – PC 1/60/10	view_Document
Other Documents		
Other Documents	Instructions to the Committee of the Privy Council to hear the appeals of Freebody and Brenton can be found at the British Library in Additional Manuscripts 15489 f.33 (March 13, 1766). Orders in Council regarding the appeals follow at f.34–43 (April and July 1769).	
		view this report for printing

Appeals to the Privy Council

Report No. 11_1766_05

Freebody v Holmes
Holmes v Freebody

Rhode Island

Case Name Short Freebody v Holmes
Holmes v Freebody

Case Name Long Thomas Freebody v John Holmes
John Holmes v Thomas Freebody

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [23] p.51 – 10 December 1766 – entry 1

PC Register Citation George III v.5 (August 1766 – January 1768) p.129: PC 2/112/129

[view](#)

APC Citation v.5 [23] p.51 – 15 July 1768 – entry 2

PC Register Citation George III v.6 (January 1768 – April 1769) p.239, 249–250: PC 2/113/239, 249–250

[view](#)

APC Citation v.5 [23] p.51 – 14 April 1769 – entry 3

PC Register Citation George III v.6 (January 1768 – April 1769) p.549: PC 2/113/549

[view](#)

APC Citation v.5 [23] p.51 – 27 April 1770 – entry 4

PC Register Citation George III v.7 (May 1769 – December 1770) p.190, 332–340, 359: PC 2/114/190, 332–340, 359

[view](#)

Colonial Courts

Inferior Court – 21 November 1763 – re Freebody

Superior Court – March 1765 – re Freebody

Superior Court – March 1766 – re Holmes

Superior Court – March 1768 – re Holmes

Participants

Freebody, John (deceased father of Thomas, John, and Samuel Freebody)

Freebody, John (brother of Samuel and Thomas Freebody and son of John Freebody)

Freebody, Samuel (brother of John and Thomas Freebody and son of John Freebody)

Freebody, Thomas, merchant, of Newport (brother of John and Samuel Freebody and son of John Freebody)

Green, James

Holmes, John, yeoman, of Middleton in Newport county

Holmes, Margaret

Description

Land (trespass and ejectment) in dispute in Middletown

Disposition

Freebody v Holmes – dismissed for non-prosecution

Holmes v Freebody – judgments of 1766 and 1768 reversed; judgment of 1765 affirmed in favor of Holmes

Notes

On the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Holmes v Freebody) (complex procedural history)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Holmes)	
	Counsel	[Signed] William DeGrey; J. Dunning
	Library	Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Includes manuscript notes) view
Respondent's case	Case of the respondent (Freebody)	
	Counsel	[Signed] C. Yorke; Rd. Jackson
	Library	Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 view
Privy Council Documents in PC 1 at The National Archives at Kew		
TNA Document	Order of reference (Freebody v Holmes) – 10 Dec. 1766 – PC 1/52/58	view_Document
	Notes about Document	Referenced in <i>APC</i> , v.6 [731] p.440 view_APC
TNA Document	Committee report (Freebody v Holmes) – 7 July 1768 – PC 1/54/63	view_Document

Notes about
Document

Referenced in *APC*, v.6 [793] p.464

[view_APc](#)

TNA Document

Committee report (Holmes v Freebody) – 7 Apr. 1770 – PC 1/54/66C

[view_Document](#)

Notes about
Document

Referenced in *APC*, v.6 [840] p.484

[view_APc](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1766_06

Bannister v Brown

Rhode Island

Case Name Short Bannister v Brown

Case Name Long John Bannister v Jane Brown, Matthew Robinson, and Robert Brown

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [24] p.51–52 – 10 December 1766 – entry 1

PC Register Citation George III v.5 (August 1766 – January 1768) p.52, 130: PC 2/112/52, 130

[view](#)

APC Citation v.5 [24] p.52 – 26 June 1767 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.369–370: PC 2/112/369–370

[view](#)

APC Citation v.5 [24] p.52 – 15 July 1768 – entry 3

PC Register Citation George III v.6 (January 1768 – April 1769) p.239–240, 249: PC 2/113/239–240, 249

[view](#)

Colonial Courts

Unnamed – 21 November 1763

Unnamed – March 1765

Participants

Bannister, John of Middletown

Brown, Isaac (replaces Jane Brown as appeal proceeds)

Brown, Jane of Newport (widow and executor of John Brown)

Brown, John, merchant, of Newport (deceased husband of Jane Brown)

Brown, Robert, yeoman, of South Kingstown (executor of John Brown)

Robinson, Matthew, gentleman (executor of John Brown)

Description

Sums due on book account

Disposition

Dismissed with costs at the desire and request of the parties

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Bannister v Brown)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Order of reference – 10 Dec. 1766 – PC 1/52/58	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [731] p.440	view_APC
TNA Document	Order of reference – 26 June 1767 – PC 1/53/60	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [761] p.453–454	view_APC
TNA Document	Committee report – 7 July 1768 – PC 1/54/63	view_Document
Notes about Document	Referenced in <i>Acts of the Privy Council, Colonial</i> , v.6 [793] p.464	view_APC

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1767_00

Laycock v Clarke

Rhode Island

Case Name Short Laycock v Clarke

Case Name Long Godfrey Laycock (later Hannah Laycock) v James Clarke and Solomon Southwick

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [46] p.115 – 26 August 1767 – entry 1

PC Register Citation George III v.5 (August 1766 – January 1768) p.460: PC 2/112/460

[view](#)

APC Citation v.5 [46] p.115 – 7 July 1768 – entry 2

PC Register Citation George III v.6 (January 1768 – April 1769) p.240–241: PC 2/113/240–241

[view](#)

APC Citation v.5 [46] p.115 – 14 April 1769 – entry 3

PC Register Citation George III v.6 (January 1768 – April 1769) p.493, 539–540: PC 2/113/493, 539–540

[view](#)

Colonial Courts

Inferior Court – about 10 February 1766 (date suit was brought)

Superior Court – Newport – March 1767

Participants

Clarke, James of Newport

Laycock, Godfrey, merchant (later deceased), of Halifax in Yorkshire

Laycock, Hannah (widow of Godfrey Laycock)

Southwick, Solomon of Dartmouth in Bristol county in Massachusetts

Description

Book debt

Disposition

Reversed

Notes

The case was revived in the name of Hannah Laycock as widow of Godfrey Laycock.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 13 Mar. 1769 – PC 1/54/64C

[view_Document](#)

Referenced in *APC*, v.6 [812] p.470

[view_APC](#)

[view this report for printing](#)

TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 11_1768_00

Isaacks v Stead

Rhode Island

Case Name Short Isaacks v Stead

Case Name Long Jacob Isaacks v William Stead

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [95] p.175 – 16 December 1768 – entry 1

PC Register Citation George III v.6 (January 1768 – April 1769) p.387: PC 2/113/387

[view](#)

APC Citation v.5 [95] p.175 – 27 April 1770 – entry 2

PC Register Citation George III v.7 (May 1769 – December 1770) p.297–298, 356: PC 2/114/297–298, 356

[view](#)

Colonial Courts

Unnamed – March 1765 and 28 May 1764

Participants

Isaacks, Jacob, merchant, of Newport
Stead, William

Description

Not stated in *APC*, but see Notes, below

Disposition

Affirmed

Notes

Related to other Privy Council appeals:

Stead v Hart and Stead v Elizer – Report No. 11_1765_01 (*APC*, v.4 [600] p.716–717)

Stead v Isaacs – Report No. 11_1766_01 (*APC*, v.4 [649] p.759)

Stead v Isaacs and Isaacks v Stead are almost certainly two aspects of the same dispute. The lower court judgments referred to in both cases have the same date, and the Privy Council's register confirms that the names of the courts are the same. In Stead v Isaacs, the Council apparently agrees that Stead did not properly insure the ship in question, and Isaacs is allowed a new trial on the amount of his damages. In Isaacks v Stead, a judgment for Stead in the amount of £1,200 on a bill of exchange is affirmed. Stead's actions against Hart and Elizer are against them as endorsers of a note from Isaacks resulting in a judgment for £1,200. This is probably the same piece of commercial paper as is at stake in the subsequent case. Be that as it may be, Isaacks and Stead are clearly the underlying parties in all four actions.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 2 Apr. 1770 – PC 1/54/66C

[view_Document](#)

Referenced in *APC*, v.6 [840] p.484

[view_APC](#)

[view this report for printing](#)

TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 11_1769_01

Hart v Solomons

Rhode Island

Case Name Short Hart v Solomons

Case Name Long Naphthali Hart and Isaac Hart v Abraham Solomons

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [110] p.191–192 – 14 April 1769 – entry 1

PC Register Citation George III v.6 (January 1768 – April 1769) p.548: PC 2/113/548

[view](#)

Colonial Courts

Unnamed – 16 November 1767

Superior Court – March 1768

Participants

Hart, Isaac, merchant, of Newport

Hart, Naphthali, merchant, of Newport

Solomons, Abraham

Vessels

Confirmation (ship)

Description

Action of account concerning a ship

Disposition

Not provided in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1769_02

Grant v Hardy

Rhode Island

Case Name Short Grant v Hardy

Case Name Long Alexander Grant v Charles Hardy

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [125] p.210–211 – 15 September 1769 – entry 1

PC Register Citation George III v.7 (May 1769 – December 1770) p.107, 268: PC 2/114/107, 268

[view](#)

APC Citation v.5 [125] p.211 – 19 July 1771 – entry 2

PC Register Citation George III v.8 (January – December 1771) p.325–326, 343–344: PC 2/115/325–326, 343–344

[view](#)

Colonial Courts

Inferior Court – 16 November 1767

Superior Court – September 1768

Participants

Grant, Alexander, merchant, of Newport

Hardy, Charles

Description

Bills of exchange

Disposition

Dismissed. Appellant’s solicitor did not have instruction to go further.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 9 July 1771 – PC 1/55/67

[view_Document](#)

Referenced in *APC*, v.6 [868] p.504–505

[view_APC](#)

[view this report for printing](#)

TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 11_1773_01

Sandford v Smith

Rhode Island

Case Name Short Sandford v Smith

Case Name Long Giles and Elizabeth Sandford v Elizabeth and Isaac Smith, William Taggart, Israel and Sarah Church

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [244] p.359–360 – 31 March 1773 – entry 1

PC Register Citation George III v.9 (January – December 1772) p.480: PC 2/116/480

[view](#)

PC Register Citation George III v.10 (January 1773 – April 1774) p.127–128: PC 2/117/127–128

[view](#)

APC Citation v.5 [244] p.360 – 4 August 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.261, 266: PC 2/117/261, 266

[view](#)

Colonial Courts

Inferior Court – May 1771

Superior Court – September 1771

Participants

Church, Israel of Middletown in Newport county (husband of Sarah Church)

Church, Sarah of Middletown in Newport county (wife of Israel Church)

Sandford, Elizabeth (wife of Giles Sandford)

Sandford, Giles (husband of Elizabeth Sandford)

Smith, Edward

Smith, Elizabeth of Middletown in Newport county

Smith, Isaac of Middletown in Newport county

Taggart, William of Middletown in Newport county

Description

Land in Middletown in dispute. Bilder, *Transatlantic Constitution*, p.276 n.33, adds that this is an inheritance dispute.

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 29 July 1773 – PC 1/55/72

[view_Document](#)

TNA Document
Notes about
Document

Referenced in *APC*, v.6 [907] p.539

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1773_02

Elam v Dockray

Rhode Island

Case Name Short Elam v Dockray

Case Name Long Gervase Elam v John Dockray

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [245] p.360 – 31 March 1773 – entry 1

PC Register Citation George III v.9 (January – December 1772) p.480: PC 2/116/480

[view](#)

PC Register Citation George III v.10 (January 1773 – April 1774) p.128: PC 2/117/128

[view](#)

APC Citation v.5 [245] p.360 – 22 April 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.183: PC 2/117/183

[view](#)

APC Citation v.5 [245] p.360 – 20 May 1774 – entry 3

PC Register Citation George III v.11 (May 1774 – May 1775) p.33–39, 74–75: PC 2/118/33–39, 74–75

[view](#)

Colonial Courts

Inferior Court – May 1771

Superior Court – September 1771

Participants

Chaloner, W.

Dockray, John of South Kingstown in King’s county

Elam, Gervase

Hosier, Giles

Robinson, James

Description

Action to recover on a promissory note

Disposition

Reversed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 12 May 1774 – PC 1/56/74A

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [928] p.555

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1773_03

Dudley v Clarke

Rhode Island

Case Name Short Dudley v Clarke

Case Name Long Charles Dudley v John Innis Clarke and Joseph Nightingale

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [270] p.383 – 29 October 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.328–329, 446: PC 2/117/328–329, 446

[view](#)

APC Citation v.5 [270] p.383 – 30 June 1775 – entry 2

PC Register Citation George III v.12 (June 1775 – May 1776) p.26–31, 54: PC 2/119/26–31, 54

[view](#)

Colonial Courts

Vice Admiralty Court – 1772 – condemnation

Superior Court – March 1773

Participants

Clarke, John Innis

Dudley, Charles, collector of customs in Rhode Island

Linzee, John, commander of HMS *Beaver*

Munro, James, master of the *Industry*

Nightingale, Joseph (owner of the *Industry*)

Vessels

HMS *Beaver*

Industry (schooner)

Description

Duties on cargo

Disposition

Reversed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1773_04

Dudley v Shaw

Rhode Island

Case Name Short Dudley v Shaw

Case Name Long Charles Dudley v Nathaniel Shaw

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [271] p.383 – 29 October 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.329: PC 2/117/329

[view](#)

APC Citation v.5 [271] p.383–384 – 31 December 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.376–377, 394–395: PC 2/117/376–377, 394–395

[view](#)

PC Register Citation George III v.11 (May 1774 – May 1775) p.213: PC 2/118/213

[view](#)

PC Register Citation George III v.12 (June 1775 – May 1776) p.33–34: PC 2/119/33–34

[view](#)

Colonial Courts

Superior Court – 1772/3 (orders)

Participants

Dudley, Charles, collector of customs in Rhode Island

Francis, Thomas, gentleman, of Chancery Lane

Leake, John Martin, esquire, of the Treasury at Whitehall

Shaw, Nathaniel

Vessels

Mermaid (brigantine)

Description

Consequences of seizure and condemnation of cargo of molasses and coffee

Disposition

Appeal admitted and proceedings stayed; further disposition not stated in the *APC*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1773_05

Keeler v Rhodes

Rhode Island

Case Name Short Keeler v Rhodes

Case Name Long Robert Keeler v William Rhodes

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [272] p.384 – 29 October 1773 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.329–330: PC 2/117/329–330

[view](#)

APC Citation v.5 [272] p.384 – 17 December 1773 – entry 2

PC Register Citation George III v.10 (January 1773 – April 1774) p.377: PC 2/117/377

[view](#)

Colonial Courts

Superior Court – March 1773

Participants

Keeler, Robert, late captain of HMS *Mercury*

Rhodes, William

Vessels

HMS *Mercury*

Description

Assault

Disposition

Appeal not admitted

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1774_00

Bean v Wanton

Rhode Island

Case Name Short Bean v Wanton

Case Name Long Samuel Bean and Isaac Walker, Francis Newton and John Colville v Gideon Wanton and John Wanton

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [291] p.394 – 13 April 1774 – entry 1

PC Register Citation George III v.10 (January 1773 – April 1774) p.510–511: PC 2/117/510–511

[view](#)

APC Citation v.5 [291] p.394 – 6 July 1774 – entry 2

PC Register Citation George III v.11 (May 1774 – May 1775) p.148–149, 170–171, 509–510: PC 2/118/148–149, 170–171, 509–510

[view](#)

PC Register Citation George III v.12 (June 1775 – May 1776) p.35: PC 2/119/35

[view](#)

Colonial Courts

Inferior Court – 18 November 1771

Superior Court

Participants

Bean, David (party in action in lower court)

Bean, Samuel, bankrupt merchant, of London

Bell, Thomas, merchant, of London

Colville, John, merchant, of London (assignee of Samuel Bean)

Newton, Francis (assignee of Samuel Bean)

Rodman, William, deceased

Walker, Isaac (assignee of Samuel Bean)

Wanton, Gideon (executor of William Rodman)

Wanton, John (executor of William Rodman)

Description

Action to recover sum allegedly due bankrupt merchant

Disposition

Appeal admitted; no further disposition stated in the *APC*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 11_1775_00

Andrews v Farrint

Rhode Island

Case Name Short Andrews v Farrint

Case Name Long John Andrews v John Farrint

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [320] p.416 – 30 June 1775 – entry 1

PC Register Citation George III v.12 (June 1775 – May 1776) p.59: PC 2/119/59

[view](#)

Colonial Courts

Inferior Court – May 1772

Inferior Court – November 1772

Superior Court – March 1773

Participants

Andrews, John (owner of the *Hope Still*)

Farrint, John, mariner, of Newport

Vessels

Hope Still (ship)

Description

Desertion of ship

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 12_1699_00

Peers v Amory (*In re The Turtle*)

South Carolina

Case Name Short Peers v Amory
In re The Turtle

Case Name Long George Peers v Jonathan Amory (*In re The Turtle*)

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [747] p.333–334 – 31 May 1699 – entry 1

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.345: PC 2/77/345

[view](#)

APC Citation v.2 [747] p.334 – 20 June 1700 – entry 2

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.57: PC 2/78/57

[view](#)

APC Citation v.2 [747] p.334 – 31 December 1700 – entry 3

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.123, 124: PC 2/78/123, 124

[view](#)

APC Citation v.2 [747] p.334 – 31 December 1700 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.125: PC 2/78/125

[view](#)

APC Citation v.2 [747] p.334 – 17 July 1701 – entry 5

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.233: PC 2/78/233

[view](#)

APC Citation v.2 [747] p.334 – 11 September 1701 – entry 6

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.256: PC 2/78/256

[view](#)

Colonial Courts

Court of Admiralty of Carolina – 27 August 1698

Participants

Amory, Jonathan, Naval Officer of Charles Town

Cunningham, Robert, master of the *Turtle*

Mountague, Mr. (agent for defendant)

Peers, George, merchant, of Barbados (an owner of the *Turtle*)

Vessels

Turtle of Barbados (sloop)

Description

Condemnation under the Navigation Acts

Disposition

Committee agrees to hear appeal. No further disposition noted.

Notes

Cargo includes slaves.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Peers v Amory; *In re The Turtle*)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 12_1700_00

Niccoll v [Blake] (*In re The Cole and Bean*)

South Carolina

Case Name Short Niccoll v [Blake]
In re The Cole and Bean

Case Name Long Benjamin Niccoll, John Crosse, Patrick Walsh, and Giles Been v [Blake] (*In re The Cole and Bean*)

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [798] p.356 – 18 July 1700 – entry 1

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.72: PC 2/78/72

[view](#)

APC Citation v.2 [798] p.356 – 19 September 1700 – entry 2

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.82, 85: PC 2/78/82, 85

[view](#)

APC Citation v.2 [798] p.356 – 22 October 1700 – entry 3

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.85: PC 2/78/85

[view](#)

PC Register Note The APC lists this page twice, apparently in order to show that the promise in the entry on p.82 that the committee report will be entered was not, in fact, fulfilled except by the reference to it here.

APC Citation v.2 [798] p.356 – 22 May 1701 – entry 4

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.210: PC 2/78/210

[view](#)

APC Citation v.2 [798] p.356 – 31 July 1701 – entry 5

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.241–242: PC 2/78/241–242

[view](#)

Colonial Courts

Court of Admiralty in Carolina – 3 January 1700

Participants

Been, Giles, merchant, of London (owner of the *Cole and Bean*)
[Blake], ____

Crosse, John, merchant, of London (owner of the *Cole and Bean*)

Niccoll, Benjamin, merchant, of London (owner of the *Cole and Bean*)

Walsh, Patrick, merchant, of London (owner of the *Cole and Bean*)

Vessels

Cole and Bean (galley)

Description

Condemnation

Disposition

Reversed

Notes

Smith (p.308) notes John Comyns as counsel for appellants.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Nicoll v Blake see *sub In re The Cole and Bean*)

Additional Sources

Note that the Bodleian Library at Oxford University holds in Rawlinson Manuscripts A270/43–47 the “appellant’s brief in the case of Benj. Niccoll and others, of London, merchants, v. the governor and admiralty of Carolina, for the seizure of the Cole and Beene galley: heard 23 July, 1701,” in manuscript as described in the Bodleian Library, *Rawlinson Catalogue*, p.286.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1682_00

Bland v Codd

Virginia

Case Name Short Bland v Codd

Case Name Long Sarah Bland v Col. St. Leger Codd and wife

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [88] p.38 – 3 August 1682 – entry 1

CSP Citation VI no. 641

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.541–542: PC 2/69/541–542

[view](#)

APC Citation v.2 [88] p.38 – 26 April 1683 – entry 2

CSP Citation VI no. 1054

PC Register Citation Charles II v.16 (1 June 1680 – 31 May 1683) p.684: PC 2/69/684

[view](#)

APC Citation v.2 [88] p.38 – 29 September 1684 – entry 3

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.235: PC 2/70/235

[view](#)

APC Citation v.2 [88] p.38 – 31 October 1684 – entry 4

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.242: PC 2/70/242

[view](#)

APC Citation v.2 [88] p.38 – 7 November 1684 – entry 5

CSP Citation VI no. 1922

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.247: PC 2/70/247

[view](#)

APC Citation v.2 [88] p.38 – 19 November 1684 – entry 6

CSP Citation VI no. 1951

PC Register Citation Charles II v.17 (13 June 1683 – 4 February 1685) p.255: PC 2/70/255

[view](#)

Colonial Courts

Unnamed

Participants

Bland, Sarah

Codd, Col. St. Leger

Codd, Mrs. St. Leger

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Submitted to arbitration that apparently failed, according to Smith (p.100)

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Bland v Codd)

Additional Sources

The Virginia Historical Society holds a copy of a “petition, 1684, of the Privy Council to King Charles II of Great Britain concerning the lawsuit of Sarah (Green) Bland (executrix of John Bland) v Anne (Bennett) Bland Codd and St. Leger Codd in the General Court of Virginia.”

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1685_00

Plampin v Scarborough

Virginia

Case Name Short Plampin v Scarborough

Not a ‘true’ appeal.

Case Name Long Edward Plampin v Edmund Scarborough

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [203] p.90 – 18 December 1685 – entry 1

CSP Citation VII no. 508 and 2126

PC Register Citation James II Part 1 (6 February 1685 – 18 March 1687) p.175–176: PC 2/71/175–176

[view](#)

Colonial Courts

No colonial court decision

Participants

Bagnall, John, deceased

Howard, Lord, Governor General

Plampin, Edward (administrator to John Bagnall)

Scarborough (Scarborough), Edmund, deceased

Description

Administrator’s action on a bond

Disposition

Governor is ordered to bring the cause to a speedy trial in the colony.

Notes

This is not an appeal from a colonial court judgment but a request that the colonial court be forced to hold a speedy trial.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1690_00

Ludwell v Toton

Virginia

Case Name Short Ludwell v Toton

Case Name Long Philip Ludwell v John Toton

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [393] p.184–185 – 19 December 1690 – entry 1 (The date of this entry in the *APC* would seem to be in error. The figure (p.84) is curiously formed, but it is much more likely to be an ‘8’ than a ‘9’. The *CSP* has 18 December.)

CSP Citation VIII no. 1259

PC Register Citation William III v.2 (3 September 1690 – 29 September 1692) p.88: PC 2/74/88

[view](#)

Colonial Courts

General Court of Virginia

Participants

Berkeley, Sir William, former Governor, now deceased
Ludwell, Philip (husband of executrix of Sir William Berkeley)
Toton, John

Description

Opposition to jurisdiction of the court in a suit brought for actions of the Governor while in office

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Sir William Berkeley – Governor, 1642–1652, 1660–1677

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1696_00

Appeal of Bowtell

Virginia

Case Name Short Bowtell, appeal of

Not a ‘true’ appeal.

Case Name Long William Bowtell and Thomas Wenborne, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#) [view_CSP](#)

APC Citation v.2 [632] p.299 – 18 June 1696 – entry 1

CSP Citation X no. 46

PC Register Citation William III v.4 (2 December 1694 – 23 April 1697) p.451: PC 2/76/451

[view](#)

Colonial Courts

No colonial court decision

Participants

Bowtell, William

Wenborne, Thomas

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

The petition regards a presumed debt of John Lear, a member of the Virginia Council, who by a rule of the General Court was immune from suit. The petition is of interest, though not an actual appeal from a court judgment. According to Kammen, “Virginia at the Close of the Seventeenth Century,” p.143–144, the “very first piece of business referred to the Board [of Trade] in 1696, before it had held its first meeting, concerned Virginia. . . . The lords commissioners were ordered to report on the case of William Bowtell and Thomas Wenborne, merchants, who raised the issue of privileges enjoyed by councilors in Virginia. . . . In consequence, at their seventh meeting, on July 13, 1696, the Board heard the petition of the two aggrieved parties.”

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1699_00

Starke v Parker

Virginia

Case Name Short Starke v Parker

Case Name Long Thomas Starke v Thomas and Francillia Parker

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [770] p.346–347 – 7 December 1699 – entry 1

PC Register Citation William III v.5 (5 May 1697 – 30 March 1700) p.398: PC 2/77/398

[view](#)

APC Citation v.2 [770] p.347 – 22 May 1700 – entry 2

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.31: PC 2/78/31

[view](#)

APC Citation v.2 [770] p.347 – 30 May 1700 – entry 3

PC Register Citation William III v.6 (4 April 1700 – 19 February 1702) p.34–35: PC 2/78/34–35

[view](#)

Colonial Courts

General Court – 17 April 1699

Participants

Goodricke, Joseph, deceased

Parker, Francillia (wife of Thomas Parker and executrix of Joseph Goodricke)

Parker, Thomas (husband of Francillia Parker)

Starke, Thomas, merchant, of London

Description

Not stated in the *APC*, but appears to be related to the administration of an estate

Disposition

Appeal dismissed and judgment affirmed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Starke v Parker)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1703_00

Selden v Beverley
Ballard v Beverley

Virginia

Case Name Short Selden v Beverley
Ballard v Beverley

Case Name Long Samuel Selden v Robert Beverley
Francis Ballard on the demise of Samuel and Rebecca Selden v Robert Beverley

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.2 [909] p.446 – 18 November 1703 – entry 1	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.459–460: PC 2/79/459–460	view
APC Citation	v.2 [909] p.446 – 23 December 1703 – entry 2	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.481: PC 2/79/481	view
APC Citation	v.2 [909] p.446 – 18 January 1704 – entry 3	
PC Register Citation	Anne v.1 (8 March 1702 – 18 January 1704) p.512–513: PC 2/79/512–513	view
APC Citation	v.2 [909] p.446 – 20 January 1704 – entry 4	
PC Register Citation	Anne v.2 (20 January 1704 – 29 September 1705) p.3–4: PC 2/80/3–4	view
APC Citation	v.2 [909] p.446–447 – 3 February 1704 – entry 5	
PC Register Citation	Anne v.2 (20 January 1704 – 29 September 1705) p.48: PC 2/80/48	view
APC Citation	v.2 [909] p.447 – 10 February 1704 – entry 6	
PC Register Citation	Anne v.2 (20 January 1704 – 29 September 1705) p.55: PC 2/80/55	view

Colonial Courts

Court of Virginia

Participants

Ballard, Francis (lessee of Samuel Selden)
Beverley, Robert
Selden, Rebecca (wife of Samuel Selden)
Selden, Samuel (husband of Rebecca Selden and lessor of Francis Ballard)

Description

Land (“proceedings . . . touching two plantations of lands” [Selden], “petition . . . of the lessee of Samuel Selden, and Rebecca his wife on behalf of himself and the said lessors, complaining of proceedings . . . touching two plantations of lands,” [Ballard])

Disposition

Council advises reversal but leaves parties at liberty to try cause again in Virginia and to appeal upon a special verdict.

Notes

On the original actions involved here, see [Additional Research](#).

APC, v.2 [1240] p.702, notes an appeal of Robert Beverley (spelled Beverly) to which an appearance for Samuel Selden (spelled Seldon) was made. (Beverly v Seldon, Report No. 13_1715_00.) This may relate to the litigation here between these parties, but further investigation has not been made to verify that.

Beverley’s petition for writ of attaint (somewhat puzzling in this context, granted that Ballard is also complaining about the result below) is dismissed on the advice of the Attorney General. See [TNA Documents](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Selden v Beverly)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Order of reference (Beverley v Ballard) – 3 Feb. 1704 – PC 1/46/6	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [115] p.28	view_APC
TNA Document	Petition (Beverley v Ballard) – no date – PC 1/46/6	view_Document

Referenced in *APC*, v.6 [115] p.28

Attorney General opinion (Beverley v Ballard) – read 10 Feb. 1704 – PC 1/46/6

Referenced in *APC*, v.6 [115] p.28. Date is from dorse which references the Attorney General opinion only.

[view_APC](#)

[view_Document](#)

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1709_00

D'Oyly v Harrison

Virginia

Case Name Short D'Oyly v Harrison

Not a 'true' appeal.

Case Name Long Robert D'Oyly v Benjamin Harrison

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1100] p.607 – 18 July 1709 – entry 1

PC Register Citation Anne v.4 (5 March 1708 – 31 May 1710) p.367–368: PC 2/82/367–368

[view](#)

Colonial Courts

Court of York County

Participants

D'Oyly, Charles (son of Cope D'Oyly)

D'Oyly, Cope (deceased brother of Robert D'Oyly and father of Charles and Cope D'Oyly)

D'Oyly, Cope (son of Cope D'Oyly)

D'Oyly, Robert (brother and administrator to Cope D'Oyly and guardian of Charles and Cope D'Oyly in England)

Harrison, Benjamin (attorney and guardian of Charles and Cope D'Oyly in Virginia)

Description

Dispute over guardianship and support of nephews of Robert D'Oyly

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

The petition appears to allege a dispute relating to the guardianship of minors and an intestate estate. The initial guardianship decision involved the probate jurisdiction of the Governor and the county court. Whether or not the petition of D'Oyly is a 'true' appeal from a judgment cannot be determined from the *APC*.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1715_00

Beverly v Seldon

Virginia

Case Name Short Beverly v Seldon

Not a 'true' appeal.

Case Name Long Robert Beverly v Samuel Seldon

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1240] p.702 – 4 October 1715 – entry 1

PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.292: PC 2/85/292

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Beverly, Robert

Inclendon, Robert (appears for Samuel Seldon)

Seldon, Samuel

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Whether there is a relation to the previous appeal of Selden v Beverley, Report No. 13_1703_00 (*APC*, v.2 [909] p.446), other than the fact that parties seem to be the same, is not apparent from the skimpy entry in the register.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 13_1716_00

Stannard v Wormeley

Virginia

Case Name Short Stannard v Wormeley

Case Name Long Anne Stannard by William Stannard v John Wormeley

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1263] p.718 – 13 September 1716 – entry 1

PC Register Citation George I v.1 (1 August 1714 – 2 March 1717) p.442: PC 2/85/442

[view](#)

APC Citation v.2 [1263] p.718 – 6 March 1717 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.4B: PC 2/86/4B

[view](#)

APC Citation v.2 [1263] p.718 – 30 March 1717 – entry 3

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.6: PC 2/86/6

[view](#)

Colonial Courts

General Court – 26 April 1716

Participants

Stannard, Anne, infant (daughter of William Stannard)

Stannard, William (father of Anne Stannard)

Wormeley, John

Description

Land

Disposition

Dismissed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1719_00

Jones v Toleson
Winder v Jones

Virginia

Case Name Short Jones v Toleson
Winder v Jones

Case Name Long Robert and Elizabeth Jones v Thomas Toleson and William Williams
Elizabeth Winder and Richard and Elizabeth Kenner v Robert and Elizabeth Jones

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.2 [1311] p.755–756 – 6 February 1719 – entry 1	
PC Register Citation	George I v.2 (2 March 1717 – 25 August 1720) p.220–221: PC 2/86/220–221	view
APC Citation	v.2 [1311] p.756 – 8 January 1720 – entry 2	
PC Register Citation	George I v.2 (2 March 1717 – 25 August 1720) p.370: PC 2/86/370	view
APC Citation	v.2 [1311] p.756 – 24 February 1720 – entry 3	
PC Register Citation	George I v.2 (2 March 1717 – 25 August 1720) p.381: PC 2/86/381	view
APC Citation	v.2 [1311] p.756 – 22 March 1720 – entry 4	
PC Register Citation	George I v.2 (2 March 1717 – 25 August 1720) p.396–397: PC 2/86/396–397	view
APC Citation	v.2 [1311] p.756 – 13 September 1722 – entry 5	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.106: PC 2/88/106	view
APC Citation	v.2 [1311] p.756 – 6 October 1722 – entry 6	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.111: PC 2/88/111	view
APC Citation	v.2 [1311] p.756 – 20 June 1723 – entry 7	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.264–265: PC 2/88/264–265	view
APC Citation	v.2 [1311] p.757 – 24 July 1723 – entry 8	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.283–284: PC 2/88/283–284	view
APC Citation	v.2 [1311] p.757 – 6 August 1723 – entry 9	
PC Register Citation	George I v.4 (1 June 1722 – 25 August 1724) p.304: PC 2/88/304	view

Colonial Courts

Unnamed – 2 May 1718

General Court – 27 October 1721 (the result of a new trial ordered by the Privy Council 22 March 1720)

Participants

Brereton, Col. Thomas (deceased father of Capt. Thomas Brereton)

Brereton, Mary (widow of Capt. Thomas Brereton)

Brereton, Thomas (deceased grandson of Col. Thomas Brereton)

Cooper, George

Hobson, Thomas

Howson, Leonard

Jones, Elizabeth (wife of Robert Jones and daughter of Capt. Thomas Brereton)

Jones, Robert (husband of Elizabeth Jones)

Kenner, Elizabeth (wife of Richard Kenner and daughter of Elizabeth Winder)

Kenner, John (unclear if this is an incorrect reference to ‘Richard’ Kenner)

Kenner, Richard (husband of Elizabeth Kenner and son-in-law of Elizabeth Winder)

Toleson, Thomas (tenant of Elizabeth Winder and Richard and Elizabeth Kenner)

Williams, William (tenant of Elizabeth Winder and Richard and Elizabeth Kenner)

Winder, Elizabeth (widowed aunt of Thomas Brereton, the deceased grandson; and mother of Elizabeth Kenner)

Brereton, Capt. Thomas (deceased son of Col. Thomas Brereton and father of Elizabeth Jones)

Description

Land dispute regarding property in St. Stephen’s parish, Northumberland Co., Virginia

Disposition

New trial to produce written evidence for the Council ordered and held, after which the judgment was affirmed in favor of Jones for dower. On the cross-appeal by Winder and the Kenners, regarding the remaining two-thirds of the land, that part of the judgment is reversed.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Jones v Toleson)

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Petition of Jones – no date – PC 1/47/18	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [317] p.136. Appeal of Jones is referenced as Jones v Winder.	view_APC
TNA Document	Order of reference (Jones v Winder) – 6 Feb. 1719 – PC 1/47/16	view_Document
Notes about Document	Referenced in <i>Acts of the Privy Council. Colonial Series</i> , v.6 [278] p.119. Appeal of Jones is referenced as Jones v Winder.	view_APC
TNA Document	Copy of petition of Robert and Elizabeth Jones – 6 Feb. 1719 – PC 1/47/16	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [278] p.119. Appeal of Jones is referenced as Jones v Winder.	view_APC
TNA Document	Order of reference (Winder v Jones) – 8 Jan. 1720 – PC 1/47/15	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [287] p.120	view_APC
TNA Document	Petition of Winder and Kenner – read 24 Feb. 1720 – PC 1/47/15	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [287] p.120	view_APC
TNA Document	Order of reference (Jones v Winder) – 6 Oct. 1722 – PC 1/47/18	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [317] p.136. Appeal of Jones is referenced as Jones v Wiinder.	view_APC
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Appeals to the Privy Council

Report No. 13_1720_00

Corbin v Roscow

Virginia

Case Name Short Corbin v Roscow

Case Name Long Gawen Corbin v James and Jane Roscow

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.2 [1327] p.766 – 8 January 1720 – entry 1

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.371: PC 2/86/371

[view](#)

APC Citation v.2 [1327] p.766 – 24 February 1720 – entry 2

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.379–380: PC 2/86/379–380

[view](#)

APC Citation v.2 [1327] p.766 – 28 February 1720 – entry 3

PC Register Citation George I v.2 (2 March 1717 – 25 August 1720) p.386: PC 2/86/386

[view](#)

Colonial Courts

Virginia Chancery – 30 April 1719

Participants

Corbin, Gawen (husband of Jane Wilson Corbin)

Corbin, Jane Wilson (wife, presumed deceased, of Gawen Corbin and mother of Jane Roscow)

Roscow, James (husband of Jane Roscow)

Roscow, Jane (wife of James Roscow and daughter of Jane Wilson Corbin)

Description

Land

Disposition

Altered in part, reversed in part, confirmed in part

Notes

The appellant in this case would seem to be the same as the appellant in Corbin v Corbin (13_1732_00, APC, v.3 [265] p.365), but the cases do not seem to be otherwise related.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Copy of petition of G. Corbin – no date – PC 1/47/16	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [288] p.120	view_APC
TNA Document	Order of reference – 8 Jan. 1720 – PC 1/47/16	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [288] p.120	view_APC
TNA Document	Committee report – 24 Feb. 1720 – PC 1/47/16	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [288] p.120	view_APC

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Appeals to the Privy Council

Report No. 13_1724_00

Perry v Randolph

Virginia

Case Name Short Perry v Randolph

Case Name Long Sarah Perry, Micaiah Perry and Philip Perry v Mary, William and Thomas Randolph

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [65] p.69 – 12 May 1724 – entry 1

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.525: PC 2/88/525

[view](#)

APC Citation v.3 [65] p.69 – 30 June 1724 – entry 2

PC Register Citation George I v.4 (1 June 1722 – 25 August 1724) p.541: PC 2/88/541

[view](#)

APC Citation v.3 [65] p.69 – 18 November 1724 – entry 3

PC Register Citation George I v.5 (September 1724 – May 1727) p.15: PC 2/89/15

[view](#)

APC Citation v.3 [65] p.69 – 25 November 1724 – entry 4

PC Register Citation George I v.5 (September 1724 – May 1727) p.16: PC 2/89/16

[view](#)

APC Citation v.3 [65] p.69–70 – 20 March 1725 – entry 5

PC Register Citation George I v.5 (September 1724 – May 1727) p.43: PC 2/89/43

[view](#)

APC Citation v.3 [65] p.70 – 8 July 1725 – entry 6

PC Register Citation George I v.5 (September 1724 – May 1727) p.90–91: PC 2/89/90–91

[view](#)

APC Citation v.3 [65] p.70 – 20 July 1725 – entry 7

PC Register Citation George I v.5 (September 1724 – May 1727) p.101–102: PC 2/89/101–102

[view](#)

Colonial Courts

General Court – 24 October 1723

Participants

Ellison, Mr. of Symond's Inn (appears for Randolphs)

Faulkner, John (commissioner for respondent)

Morrice, Humphrey (commissioner for appellant)

Newport, George (commissioner for appellant)

Perry, Micaiah of London

Perry, Philip of London

Perry, Sarah, widow, of London

Randolph, Col. William, deceased

Randolph, Mary (executor of Col. William Randolph)

Randolph, Thomas (executor of Col. William Randolph)

Randolph, William (executor of Col. William Randolph)

Wilmot, Robert (commissioner for respondent)

Description

Contested accounts

Disposition

Reversed

Notes

Commissioners were appointed to study and advise on the dispute.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Perry v Randolph)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Representation of the commissioners – Mar. 1725 (as dated in TNA cataloging) – PC 1/58/2A

[view_Document](#)

Catalogued as Catalogued by TNA: Representation of the commissioners appointed to examine the accounts in question in the appeal Perry v Randolph

Other Documents

Appeals to the Privy Council

Report No. 13_1727_00

Heal v Ball
Ball v Heal

Virginia

Case Name Short Heal v Ball
Ball v Heal

Case Name Long George Heal v William Ball
William Ball v George Heal

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [133] p.177 – 13 November 1727 – entry 1

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.182, 213: PC 2/90/182, 213

APC Citation v.3 [133] p.177 – 15 August 1728 – entry 2

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.354–355, 361: PC 2/90/354–355, 361

APC Citation v.3 [133] p.177 – 1 February 1729 – entry 3

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.436: PC 2/90/436

APC Citation v.3 [133] p.177 – 26 March 1729 – entry 4

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.442–443, 460: PC 2/90/442–443, 460

[view](#)

[view](#)

[view](#)

[view](#)

Colonial Courts

General Court – 26 October 1725 – re Heal v Ball
General Court before Governor and Council – 15 April 1727 – re Ball v Heal

Participants

Ball, William, gentleman
Heal, George, gentleman

Description

Land dispute in the parish of Fareham, Richmond county

Disposition

Both appeals dismissed.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Ball v Heal)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report on Heal v Ball – 2 Aug. 1728 – PC 1/48/24

[view_Document](#)

Referenced in *APC*, v.6 [396] p.193

[view_APC](#)

TNA Document

Notes about
Document

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Appeals to the Privy Council

Report No. 13_1729_00

Bayler v Carter

Virginia

Case Name Short Bayler v Carter

Case Name Long John Bayler by Robert Bayler and Augustine Moor v John and Elizabeth Carter

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [167] p.215 – 1 February 1729 – entry 1

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.437: PC 2/90/437

[view](#)

APC Citation v.3 [167] p.215 – 3 March 1729 – entry 2

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.443: PC 2/90/443

[view](#)

APC Citation v.3 [167] p.215 – 26 March 1729 – entry 3

PC Register Citation George II v.1 (14 June 1727 – 22 May 1729) p.460: PC 2/90/460

[view](#)

Colonial Courts

General Court – 25 April 1728

Participants

Bayler, John,a minor

Bayler, Robert (guardian of John Bayler)

Carter, Elizabeth (wife of John Carter)

Carter, John, esquire (husband of Elizabeth Carter)

Moor, Augustine (guardian of John Bayler)

Description

Land in the dispute in the parish of St. Stephen's

Disposition

Dismissed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1732_00

Corbin v Corbin (Corbin v Faldo)

Virginia

Case Name Short Corbin v Corbin
Corbin v Faldo

Case Name Long Gawen Corbin v Robert Faldo on the demise of Thomas Corbin

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.3 [265] p.365 – 7 September 1732 – entry 1	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.48: PC 2/92/48	view
APC Citation	v.3 [265] p.365 – 12 February 1735 – entry 2	
PC Register Citation	George II v.3 (21 July 1732 – 18 July 1734) p.119, 122, 142, 153–154, 539: PC 2/92/119, 122, 142, 153–154, 539	view
PC Register Citation	George II v.4 (1 August 1734 – 23 September 1736) p.84, 89–90, 100: PC 2/93/84, 89–90, 100	view

Colonial Courts

General Court – 24 April 1730

Participants

Corbin, Gawen
Corbin, Thomas
Faldo, Robert (lessee of Thomas Corbin)

Description

Action of trespass and ejectment

Disposition

Restitution of estate to Gawen Corbin

Notes

Robert Faldo may be a real person, but we may doubt the reality of the lease to him. On this and on the action of ‘trespass and ejectment’ involved here, see [Additional Research](#).

The appellant in this case would seem to be the same as the appellant in Corbin v Roscow (13_1720_00, APC, v.2 [1327] p.766), but the cases do not seem to be otherwise related.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1736_00

Burges v Hack (Gulliver v Hack)

Virginia

Case Name Short Burges v Hack
Gulliver v Hack

Case Name Long Lemuel Gulliver on the demise of Frances Burges v John Hack

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.3 [391] p.530 – 27 December 1736 – entry 1	
PC Register Citation	George II v.5 (1 October 1736 – 4 September 1738) p.48: PC 2/94/48	view
APC Citation	v.3 [391] p.530 – 21 February 1737 – entry 2	
PC Register Citation	George II v.5 (1 October 1736 – 4 September 1738) p.130–131: PC 2/94/130–131	view
APC Citation	v.3 [391] p.530–531 – 2 November 1737 – entry 3	
PC Register Citation	George II v.5 (1 October 1736 – 4 September 1738) p.293–294: PC 2/94/293–294	view
APC Citation	v.3 [391] p.531 – 23 November 1739 – entry 4	
PC Register Citation	George II v.6 (1 October 1738 – 27 March 1740) p.427: PC 2/95/427	view
APC Citation	v.3 [391] p.531 – 27 November 1739 – entry 5	
PC Register Citation	George II v.6 (1October 1738 – 27 March 1740) p.432: PC 2/95/432	view

Colonial Courts

General Court of Pleas – 15 April 1736 (known in lower court as Gulliver v Hack)

Participants

Burges (Burgess), Frances, widow
Gulliver, Lemuel (lessee of Frances Burges)
Hack, John
Paris, Ferdinando John, solicitor (appears for John Hack)
Tox, David

Description

Land (“upon an Ejectment,” according the the Privy Council register)

Disposition

Sent back to General Court of Pleas for further factual determination and jury trial if necessary

Notes

Participant Tox is named in the printed case as David Fox.

The printed case reveals that slaves as well as land are part of the property in dispute.

The summary of the Committee report in the *APC* has Frances Burges as lessee, but the Privy Council register has her properly as the lessor. Lemuel Gulliver may be a real person, but we may doubt the reality of the lease to him. On this and on the action of ejectment involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Burgess v Hack)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Lemuel Gulliver on the demise of Frances Burgess)	
Counsel	[Signed] D. Ryder; J. Browne	
Note	The docket title is Frances Burgess, widow vs. John Hack, Gent. Title on the printed case is Lemuel Gulliver, on the demise of Frances Burgess – plaintiff and appellant; John Hack – respondent.	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36216 f.103–104 (Includes manuscript notes and an additional record in the appeal, f.105, which is printed and is endorsed: “A copy of the additional record in the appeal which was lately between Frances Burges, widow, plaintiff and appellant and John Hack, gent., defendant and respondent which cause is now between Jesse Ball, and Frances his wife – appellant and John Hack – respondent.”)	view
Respondent's case	Case of the respondent (Hack)	
Note	Not found	

Privy Council Documents in PC 1 at The National Archives at Kew

Other Documents

Other Documents

A photocopy of “a copy of the record, transmitted on the appeal of Frances Burges, widow, plaintiff below, and appellant John Hack, gent., defendant below and respondent [Williamsburgh: s.n., 1737]” is in the Virginia Historical Society. The copy supposedly in the New York Public Library (formerly the Lenox Library), as noted in Clayton-Torrence, *Trial Bibliography of Colonial Virginia*, 1:121, sec. 139, could not be verified. At least one copy is known to be in private hands. See also the entry in Barton, *Virginia Colonial Decisions*, 2:B195–201.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1738_00

Hunt v Hill

Virginia

Case Name Short Hunt v Hill

Case Name Long William Hunt v James and Joyce Hill

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [427] p.588 – 12 January 1738 – entry 1

PC Register Citation George II v.5 (1 October 1736 – 4 September 1738) p.370: PC 2/94/370

[view](#)

APC Citation v.3 [427] p.588–590 – 27 November 1740 – entry 2

PC Register Citation George II v.7 (1 April 1740 – 7 August 1741) p.175, 234, 235–240, 263: PC 2/96/175, 234, 235–240, 263

[view](#)

Colonial Courts

Royal Court – 15 April 1736 or 1737 following several trials

Participants

Clopton, William (deceased partner of William Hunt)

Franks, William

Hill, James (husband of Joyce Hill)

Hill, Joyce (wife of James Hill and executrix of William Clopton)

Hunt, William, merchant, of London (partner of William Clopton)

Lacy, Joseph

Mason, William

Merriwether, William

Description

Settlement of partnership account

Disposition

Affirmed “except the method of payment of the currency debt by an assignment of a moiety of the outstanding debts of the partnership, which is reversed,” according to the *APC*

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Hunt v Hill)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1740_01

Rogers v Spalding

Virginia

Case Name Short Rogers v Spalding

Case Name Long Sarah Rogers v Alexander Spalding

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [487] p.668 – 31 January 1740 – entry 1

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.546: PC 2/95/546

[view](#)

APC Citation v.3 [487] p.668–669 – 10 July 1740 – entry 2

PC Register Citation George II v.7 (1 April 1740 – 7 August 1741) p.110, 112–116, 155–156: PC 2/96/110, 112–116, 155–156

[view](#)

Colonial Courts

General Court – 16 April 1739

Participants

Hume, George, Captain of the Guard at Whydah

Rogers, Sarah, spinster, of London (administratrix of her brother, William Whetstone Rogers)

Rogers, William Whetstone, esquire, a chief merchant of the Royal African Company (deceased brother of Sarah Rogers)

Spalding, Alexander

Stephens, Edward, a chief merchant of the Royal African Company

Description

Recovery of the value of effects of deceased brother

Disposition

Verdict and judgment set aside and appellant at liberty to proceed to another trial

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Rogers v Spalding)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Rogers)	
	Counsel [Signed] D. Ryder; C. Clarke	
	Library Harvard University. Harvard Law School Library: Special Collections. Rare Trials (Includes manuscript notes)	view
Respondent's case	Case of the respondent (Spalding)	ESTC: N68544
	Counsel [Signed] J. Strange; W. Murray	
	Library Harvard University. Harvard Law School Library: Special Collections. Rare Trials (Noted in ESTC? Yes.)	view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents The printed cases for appellant and respondent are also available in Gale's Making of Modern Law: Trials under the name *Rogers v Spalding*. See also the entry in Barton, *Virginia Colonial Decisions*, 2:B81.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1740_02

Perry v Churchill

Virginia

Case Name Short Perry v Churchill

Case Name Long Micaiah Perry, John Maynard and Edward Athawes v Armistead Churchill

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [489] p.670 – 10 March 1740 – entry 1

PC Register Citation George II v.6 (1 October 1738 – 27 March 1740) p.663–664: PC 2/95/663–664

[view](#)

APC Citation v.3 [489] p.670 – 21 April 1743 – entry 2

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.384: PC 2/97/384

[view](#)

APC Citation v.3 [489] p.670 – 28 November 1745 – entry 3

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.256–257, 268: PC 2/99/256–257, 268

[view](#)

Colonial Courts

General Court – 16 April 1739

Participants

Athawes, Edward (executor of William Dawkins)

Churchill, Armistead

Dawkins, William, deceased merchant, of London

Maynard, John (executor of William Dawkins)

Perry, Micaiah, esquire (executor of William Dawkins)

Description

Action of account

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Perry v Churchill)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1740_03

Walker v Tucker

Virginia

Case Name Short Walker v Tucker

Case Name Long Courtney, George, Francis and Margaret Walker by Jacob Walker and Samuel Boush v Robert Tucker and John Tucker and John Cook and Robert Cook

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [508] p.687 – 27 November 1740 – entry 1

PC Register Citation George II v.7 (1 April 1740 – 7 August 1741) p.267, 312, 463, 467–468: PC 2/96/267, 312, 463, 467–468

[view](#)

APC Citation v.3 [508] p.687 – 29 July 1742 – entry 2

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.187–189, 197–198: PC 2/97/187–189, 197–198

[view](#)

Colonial Courts

Virginia Chancery – 2 November 1739

Participants

Boush, Samuel (executor of John Tucker)

Campbell, Alexander, merchant

Cook (Cooke), John

Cook (Cooke), Robert

Hutchins, John, merchant

Taylor, John, merchant

Tucker, John, deceased merchant, of Norfolk

Tucker, Robert

Walker, Courtney, infant (child of Jacob Walker)

Walker, Francis, infant (child of Jacob Walker)

Walker, George, infant (child of Jacob Walker)

Walker, Jacob, esquire (father of Walker children)

Walker, Jacob (guardian of Walker children and executor of John Tucker)

Walker, Margaret, infant (child of Jacob Walker)

Description

An accounting for testator's (John Tucker) ready money and outstanding debts

Disposition

Reversed

Notes

The *APC* entry appears to distinguish two Jacob Walkers; however, that cannot be verified from the *APC* alone.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Walker v Tucker)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents See the entry (as Tucker &c vs. Tucker's Exors) in Barton, *Virginia Colonial Decisions*, 2:B100–B105.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1742_01

Randolph v Woodford

Virginia

Case Name Short Randolph v Woodford

Case Name Long Edward Randolph v William Woodford

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [545] p.726 – 17 May 1742 – entry 1

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.143, 152, 163, 428, 451: PC 2/97/143, 152, 163, 428, 451

[view](#)

Colonial Courts

General Court – 23 April 1741

Participants

Randolph, Edward, merchant, formerly of London, now of Virginia
Woodford, William

Description

Dispute over an account between the parties

Disposition

Not stated in the *APC* specifically, but the related case cited below was dismissed.

Notes

Related to another Privy Council appeal:

Randolph v Beverley – Report No. 13_1742_02 (*APC*, v.3 [546] p.726)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1742_02

Randolph v Beverley

Virginia

Case Name Short Randolph v Beverley

Case Name Long Edward Randolph v William Beverley

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [546] p.726–727 – 17 May 1742 – entry 1

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.144, 152–153, 163–164, 428, 451–452: PC 2/97/144, 152–153, 163–164, 428, 451–452

[view](#)

APC Citation v.3 [546] p.727 – 29 March 1744 – entry 2

PC Register Citation George II v.9 (1 October 1743 – 27 February 1745) p.278–279: PC 2/98/278–279

[view](#)

APC Citation v.3 [546] p.727 – 18 July 1745 – entry 3

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.148–149, 165–166: PC 2/99/148–149, 165–166

[view](#)

Colonial Courts

Unnamed – 23 April 1741

Participants

Beverley, William

Randolph, Edward

Description

Dispute over an account between the parties

Disposition

Dismissed

Notes

Related to another Privy Council appeal:

Randolph v Woodford – Report No. 13_1742_01 (*APC*, v.3 [545] p.726)

Court unnamed but likely the General Court as referenced in Randolph v Woodford

References in *Smith, Appeals to the Privy Council from the American Plantations*

Table of Cases (Randolph v Beverley)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1742_03

Starke v Hawkins (Starke v Thrustout)

Virginia

Case Name Short Starke v Hawkins
Starke v Thrustout

Case Name Long Thomas Starke and Augustine Baughan v William Thrustout on the demise of John Hawkins

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.3 [561] p.742 – 16 December 1742 – entry 1

PC Register Citation George II v.8 (22 October 1741 – 29 September 1743) p.280: PC 2/97/280 [view](#)

APC Citation v.3 [561] p.742–743 – 3 November 1743 – entry 2

PC Register Citation George II v.10 (1 March 1745 – 31 July 1746) p.123, 124 *recte* 123 only, 268 *recte* 267–268: PC 2/99/123, 124 *recte* 123 only, 268 *recte* 267–268 [view](#)

PC Register Note The reference in the *APC* to p.124 is incorrect, and it does not seem to be a mistake for another reference.

Colonial Courts

General Court – 15 April 1741

Participants

Baughan, Augustine
Hawkins, John
Starke, Thomas
Thrustout, William

Description

Land (ejectment) in the parish of St. Ann in Essex County

Disposition

Reversed

Notes

There can be little doubt that William Thrustout and the lease to him are fictional. On this and on the action of ejectment involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Starke v Thrustout)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1743_00

Meade v Godwin (Meade v Thrustout)

Virginia

Case Name Short	Meade v Godwin Meade v Thrustout
Case Name Long	David Meade v William Thrustout on the demise of Martha Godwin, Samuel and Elizabeth Whitfield, William and Leah Godwin, Julian Norsworthy, Martha Norsworthy, Mary Norsworthy, and Ann Norsworthy

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation	v.3 [568] p.748–749 – 23 March 1743 – entry 1
PC Register Citation	George II v.8 (22 October 1741 – 29 September 1743) p.353: PC 2/97/353
APC Citation	v.3 [568] p.749 – 3 November 1743 – entry 2
PC Register Citation	George II v.8 (22 October 1741 – 29 September 1743) p.386: PC 2/97/386
PC Register Citation	George II v.9 (1 October 1743 – 27 February 1745) p.27–30, 34: PC 2/98/27–30, 34

[view](#)

[view](#)

[view](#)

Colonial Courts

General Court – 15 April 1742

Participants

Godwin, Leah (wife of William Godwin)
Godwin, Martha
Godwin, William (husband of Leah Godwin)
Lear, Col. John (deceased father of Thomas Lear)
Lear, Elizabeth (daughter of Thomas Lear)
Lear, John (deceased son of Thomas Lear)
Lear, Martha (daughter of Thomas Lear)
Lear, Thomas (deceased son of Col. John Lear and father of John, Elizabeth, and Martha Lear)
Meade, David, merchant
Norsworthy, Ann
Norsworthy, Julian
Norsworthy, Martha
Norsworthy, Mary
Thrustout, William (lessee under Martha Godwin; Samuel and Elizabeth Whitfield; William and Leah Godwin; Julian Norsworthy, Martha Norsworthy, Mary Norsworthy, and Ann Norsworthy)
Whitfield, Elizabeth (wife of Samuel Whitfield)
Whitfield, Samuel (husband of Elizabeth Whitfield)

Description

Land (ejectment) in the parish of Newport and county of Isle of Wight

Disposition

Judgment for appellant

Notes

There can be little doubt that William Thrustout and the lease to him are fictional. On this and on the action of ejectment involved here, see [Additional Research](#).

The will of Col. John Lear is printed in Crow, *Johnston Stapp and Allied Families*, p.98–100.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Meade v Thrustout)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1747_01

Lillie v Tab

Virginia

Case Name Short Lillie v Tab

Not a 'true' appeal.

Case Name Long John Lillie v William Tab

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [60] p.43 – 19 June 1747 – entry 1

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.318: PC 2/100/318

[view](#)

Colonial Courts

Proceedings in colonial court unclear

Participants

Lillie, John

Paris, Mr. (appears for Tab)

Tab, William

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

This is not indexed as an appeal in the *APC*; yet there is an entry in v.4 [60], as noted above, for an appeal of John Lillie with William Tab as respondent.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1747_02

Kenner v Ball

Virginia

Case Name Short Kenner v Ball

Case Name Long Richard Kenner v Jesse Ball

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [70] p.51 – 4 November 1747 – entry 1

PC Register Citation George II v.11 (1 August 1746 – 30 April 1748) p.443: PC 2/100/443

[view](#)

APC Citation v.4 [70] p.51–52 – 8 December 1749 – entry 2

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.397: PC 2/101/397

[view](#)

APC Citation v.4 [70] p.52 – 29 March 1750 – entry 3

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.457–458, 528: PC 2/101/457–458, 528

[view](#)

Colonial Courts

General Court – 15 October 1745

Participants

Ball, Jesse

Kenner, Richard, later deceased

Description

Land (upon an ejectment) in Lancaster County

Disposition

Dismissed

Notes

On the action of ejectment involved here, see [Additional Research](#).

References in [Smith, *Appeals to the Privy Council from the American Plantations*](#)

[Table of Cases \(Kenner v Ball\)](#)

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1749_01

Appeal of Ludwell

Virginia

Case Name Short Ludwell, appeal of

Not a 'true' appeal.

Case Name Long Philip Ludwell, appeal of

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [119] p.93–94 – 23 November 1749 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.365: PC 2/101/365

[view](#)

Colonial Courts

General Court – 10 October 1746 (order of the court)

County Court for the County of Surrey – 16 January 1746 (order of the court)

Participants

Ludwell, Philip

Description

Road maintenance

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

Notes

Petition of Philip Ludwell is from an order, not a judgment, of the County Court concerning road maintenance, affirmed by an order of the General Court.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1749_02

Randolph v Wormley

Virginia

Case Name Short Randolph v Wormley

Case Name Long Thomas Man Randolph by Peter Randolph v Ralph Wormley

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [120] p.94 – 23 November 1749 – entry 1

PC Register Citation George II v.12 (1 May 1748 – 29 March 1750) p.365: PC 2/101/365

[view](#)

APC Citation v.4 [120] p.94 – 1 April 1758 – entry 2

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.53, 55–56, 93: PC 2/106/53, 55–56, 93

[view](#)

Colonial Courts

General Court – 10 April 1749

Participants

Randolph, Peter (guardian of Thomas Man Randolph)

Randolph, Thomas Man, esquire, infant

Wormley, Ralph

Description

Land (trespass and ejectment) in the parish of Hanover in the county of King George

Disposition

Reversed

Notes

On the action of trespass and ejectment involved here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Appellant's case

Case of the appellant (Randolph)

Counsel [Signed] C. Pratt; Al. Forrester

Note Respondent's name is spelled Wormeley on appellant's printed case.

Library Law Library of Congress: Sir George Lee collection

[view](#)

Respondent's case

Case of the respondent (Wormley)

Counsel [Signed] Geo. Perrott

Library Law Library of Congress: Sir George Lee collection

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1751_00

Degge v Kay

Virginia

Case Name Short Degge v Kay

Case Name Long William Degge, George Russell and Thomas Russell v Rev. William Kay

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [145] p.113 – 30 April 1751 – entry 1

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.220: PC 2/102/220

[view](#)

APC Citation v.4 [145] p.113 – 31 October 1751 – entry 2

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.241, 334, 353–354: PC 2/102/241, 334, 353–354

[view](#)

APC Citation v.4 [145] p.113 – 115 – 6 June 1753 – entry 3

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.380, 405: PC 2/102/380, 405

[view](#)

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.242, 386, 415–417, 422–423: PC 2/103/242, 386, 415–417, 422–423

[view](#)

Colonial Courts

General Court

General Court – 21 April 1749

Participants

Dawson, Mr. (commissary)

Degge, William of Richmond county, clerk

Hodgson, Thomas, merchant, of London

Kay, Rev. William, minister of the parish of Lunenburg

Morthland, David, deceased minister

Russell, George of Richmond county

Russell, Thomas of Richmond county

Sydenham, Jonathan, merchant, of London

Description

Glebe dispute (trespass) in the parish of Lunenburg

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Degge v Kay)

DOCUMENTATION

Printed Cases

Appellant's case Case of the appellant (Degge)

Counsel [Signed] D. Ryder; A. Hume-Campbell

Library Law Library of Congress: Sir George Lee collection (Manuscript notes limited to minor underlining)

[view](#)

Respondent's case Case of the respondent (Kay)

Counsel [Signed] W. Murray; R. Henley

Library Law Library of Congress: Sir George Lee collection (Includes manuscript notes and 2 copies of the respondent's case)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents See the detailed index in Manross, *Fulham Papers*. He summarizes enlightening correspondence about this case, which is reproduced on Reel 7 of Lambeth Palace Library, *Fulham Papers*.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1752_01

Mason v Withers

Virginia

Case Name Short Mason v Withers

Case Name Long Anne Mason and George Mason v Edmund Withers

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [162] p.150–151 – 14 January 1752 – entry 1

PC Register Citation George II v.13 (1 May 1750 – 30 March 1752) p.433, 526: PC 2/102/433, 526

[view](#)

Colonial Courts

Chancery – 14 April 1748

Participants

Mason, Anne (widow of George Mason, gentleman)

Mason, George, gentleman (deceased husband of Anne Mason and father of George Mason)

Mason, George (son of George Mason)

Withers, Edmund

Withers, John, deceased

Description

“Recovery of an estate belonging to John Withers,” according to the *APC*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1752_02

Robinson v Anderson

Virginia

Case Name Short Robinson v Anderson

Case Name Long John Robinson and Humphry Hill v John Anderson

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [184] p.172 – 18 October 1752 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.199: PC 2/103/199

[view](#)

APC Citation v.4 [184] p.172 – 29 May 1754 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.135–136: PC 2/104/135–136

[view](#)

APC Citation v.4 [184] p.173 – 21 June 1754 – entry 3

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.154, 163: PC 2/104/154, 163

[view](#)

Colonial Courts

Justices of the Peace for York County – March 1751

General Court – 10 April 1751

Participants

Anderson, John (executor of Mathew Anderson)

Anderson, Mathew

Branton, George

Francis, Thomas, attorney (appears for John Anderson)

Hill, Humphry (executor of George Branton)

Robinson, John (executor of George Branton)

Description

Action to recover £500 sterling for insurance on 80 hogsheads of tobacco

Disposition

Dismissed for non-prosecution

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1752_03

McCarty v McCarty (McCarty v Turf)

Virginia

Case Name Short McCarty v McCarty
McCarty v Turf

Case Name Long Daniel McCarty by Joseph Morton v Thomas Turf on the demise of Daniel McCarty

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [190] p.180–181 – 20 December 1752 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.272: PC 2/103/272

[view](#)

APC Citation v.4 [190] p.181 – 10 May 1753 – entry 2

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.287–288, 289, 359, 360–364, 408–409: PC 2/103/287–288, 289, 359, 360–364, 408–409

[view](#)

Colonial Courts

General Court – 10 October 1751

Participants

McCarty (M’Carty), Daniel of Fairfax county (deceased father of Dennis, Daniel, and Thaddeus McCarty)

McCarty (M’Carty), Daniel (son of Daniel McCarty and brother of Dennis and Thaddeus McCarty)

McCarty (M’Carty), Daniel, infant (son of Dennis McCarty and plaintiff in this action)

McCarty (M’Carty), Dennis (son of Daniel McCarty and brother of Daniel and Thaddeus McCarty)

McCarty (M’Carty), Thaddeus (son of Daniel McCarty and brother of Dennis and Daniel McCarty)

Minor, John

Morton, Joseph, gentleman (guardian of Daniel McCarty, infant)

Payne, William

Shirman, John

Turf, Thomas (lessee)

Description

Land (action of ejectment, according to the *APC*; action of trespass and ejectment, according to the earlier entries in the Privy Council register; “a Declaration in an Action of Trespass and Ejectment,” according to the Committee report) in Copeley parish, Westmoreland County

Disposition

Reversed – respondent allowed to proceed to a new trial with a special verdict

Notes

There can be little doubt that Thomas Turf and the lease to him are fictional. On this and on the action of trespass and ejectment involved here, see [Additional Research](#).

From the record we have before us and the printed cases, it would seem that this is a suit between nephew and uncle, both named Daniel, and at issue is the interpretation of a clause in the grandfather’s will that deprived his son Daniel of the premises if he ceased to reside there and a deed by Dennis, the deceased father of the infant Daniel, in which Dennis waived his rights under that clause. The Committee, however, found the case confusing (hence, the result), and the record that we have may not tell the whole story.

DOCUMENTATION

Printed Cases

Appellant’s case		Case of the appellant (McCarty)	
Counsel		[Signed] W. Murray; A. Hume-Campbell	
Note		The appellant’s case is titled: Daniel M’Carty, an Infant, by Jospheh Morton, Gent. his Guardian – appellant; Daniel M’Carty, of Fairfax County, in Virginia, and Thomas Turf, his feigned Lessee . . . respondent.	
Library		Law Library of Congress: Sir George Lee collection	view
Respondent’s case		Case of the respondent (Turf . . . “upon the fictitious demise of Daniel M’Carty”)	
Counsel		[Signed] D. Ryder; K. Evans	
Note		The respondent’s case gives the respondent as: Thomas Turf, the Plaintiff at Law, in an Ejectment upon a fictitious demise of Daniel M’Carty, of Fairfax County, in Virginia aforesaid, Gentleman.	
Library		Law Library of Congress: Sir George Lee collection	view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Appeals to the Privy Council

Report No. 13_1753_01

Jones v Shields

Virginia

Case Name Short Jones v Shields

Case Name Long Robert jun. and Sarah Jones and Dudley and Martha Richardson v James Shields

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [198] p.194 – 25 January 1753 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.205, 298: PC 2/103/205, 298

[view](#)

APC Citation v.4 [198] p.194 – 30 January 1753 – entry 2

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.301: PC 2/103/301

[view](#)

APC Citation v.4 [198] p.194 – 7 March 1753 – entry 3

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.351: PC 2/103/351

[view](#)

APC Citation v.4 [198] p.194 – 20 March 1753 – entry 4

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.358–359: PC 2/103/358–359

[view](#)

APC Citation v.4 [198] p.194 – 10 May 1753 – entry 5

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.383–385, 409–410: PC 2/103/383–385, 409–410

[view](#)

Colonial Courts

County Court of Chancery for York county – 20 November 1749

General Court – 10 October 1751

Participants

Allen, Daniel (deceased executor of Robert Cobbs)

Cobbs, Elizabeth (deceased second wife of Robert Cobbs, executor of Robert Cobbs, and mother of Sarah Cobbs Jones and Martha Cobbs Richardson)

Cobbs, Rebecca Pinkethman (deceased daughter of William Pinkethman, wife of Robert Cobbs, and mother of Elizabeth Cobbs Shields)

Cobbs, Robert (deceased husband of both Rebecca Pinkethman Cobbs and Elizabeth Cobbs)

Jones, Robert, jun. (husband of Sarah Cobbs Jones)

Jones, Sarah Cobbs (daughter of Robert and Elizabeth Cobbs; wife of Robert Jones, jun.; and sister of Martha Cobbs Richardson)

Pinkethman, William (deceased father of Rebecca Pinkethman Cobbs)

Richardson, Dudley (husband of Martha Cobbs Richardson)

Richardson, Martha Cobbs (daughter of Robert and Elizabeth Cobbs, wife of Dudley Richardson, and sister of Sarah Cobbs Jones)

Shields, Elizabeth Cobbs (deceased daughter of Robert and Rebecca Cobbs, and wife of James Shields)

Shields, James, gentleman (widower of Elizabeth Cobbs Shields)

Description

Dispute involves slaves in the estate of William Pinkethman

Disposition

Dismissed

Notes

Dispute includes slaves.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Jones v Shields)

DOCUMENTATION

Printed Cases

Appellant's case Case of the appellant (Jones)

Counsel [Signed] W. Murray; K. Evans

Library Law Library of Congress: Sir George Lee collection

[view](#)

Respondent's case Case of the respondent (Shields)

Counsel [Signed] A. Hume-Campbell; R. Henley

Library Law Library of Congress: Sir George Lee collection

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents

The appellants' and the respondent's printed cases are reproduced in Barton, *Virginia Colonial Decisions*, 2:B367–B382.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1753_02

King v Lewis
King v Braxton
Braxton v King

Virginia

Case Name Short King v Lewis
King v Braxton
Braxton v King

Case Name Long Walter King v Charles Lewis and Lewis Burwell
Walter King v Carter Braxton and Lewis Burwell
Carter Braxton by John Robinson v Walter King

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [212] p.210–211 – 6 June 1753 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.424–425, 465–466: PC 2/103/424–425, 465–466

APC Citation v.4 [212] p.211 – 10 January 1754 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.4–5: PC 2/104/4–5

APC Citation v.4 [212] p.211 – 22 January 1754 – entry 3

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.5–13, 20: PC 2/104/5–13, 20

[view](#)

[view](#)

[view](#)

Colonial Courts

Chancery – 10 October 1751

Participants

Braxton, Carter, infant (eldest son of George Braxton, jun.)
Braxton, George, jun. (deceased father of Carter Braxton)
Braxton, George, sen. (deceased father of George Braxton, jun.)
Burwell, Lewis (agent of the Perrys in Virginia)
Corbin, Richard
Digges, Dudley
Edwards, Benjamin (agent of the Perrys in Virginia)
King, Walter, merchant
Lewis, Charles
Perry, Micajah (Micaiah), merchant, late of London
Perry, Philip, merchant, late of London
Robinson, John ('next friend' of Carter Braxton)

Description

Land in the county called formerly Goochland, now Albemarle and known as the Fork. According to the *APC*, King appeals from two equity orders that barred him from proceeding at law in ejectment to recover the land and ordered him to convey the land to the respondents upon their paying certain sums.

Disposition

King's appeals are sustained.

Notes

For the action of ejectment mentioned here, see [Additional Research](#).

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (King in King v Lewis)	ESTC: N469682
Counsel	[Signed] Wm. Murray; Ste. Comyn	
Note	Although the case mentions only Lewis and Burwell in the heading, Braxton is mentioned in the body of the case. There is, however, no reference to Braxton's cross-appeal.	
Library	Law Library of Congress: Sir George Lee collection (Noted in ESTC? No.)	
Library	New-York Historical Society: SY – DC 1754 no. 1 (Noted in ESTC? Yes.)	
Library	Yale University. Beinecke Rare Book and Manuscript Library: ZZ40 25 (Includes manuscript notes, notably on the dorse, where there is an index referring to events in the 1730s and 1740s. The references correspond, for the most part, to events mentioned in the brief, but the page numbers suggest that they refer to a much fuller record of the case.) (Noted in ESTC? No.)	
Respondent's case	Case of the respondent (Braxton in King v Braxton)	
Counsel	[Signed] A. Hume-Campbell; Al. Forrester	

[view](#)

Note	The heading of the case lists the names of Braxton, Burwell, and Lewis, suggesting that this covers all three cases.	
Library	Yale University. Beinecke Rare Book and Manuscript Library: ZZ40 25 (Manuscript notes limited to few numerals on dorse)	view
	<p>Privy Council Documents in PC 1 at The National Archives at Kew</p> <p>Not found</p> <p>Other Documents</p>	
Other Documents	In addition, see papers relating to the King controversy in the Joshua Sharpe papers in the Thomas Phillipps collection at the Library of Congress, Manuscripts Division. At the University of Virginia, the Tracy W. McGregor Autograph Collection in Series 1, Letters and Manuscripts, holds in manuscript what is described as: a draft of the appellant's brief in the case of Walter King v Carter Braxton. This manuscript appears to be a working summary of the fuller record in the appeal containing chancery documents, letters, and depositions.	view this report for printing

Appeals to the Privy Council

Report No. 13_1753_03

Jones v Porter

Virginia

Case Name Short Jones v Porter

Case Name Long Churchill Jones v Jane Porter

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [223] p.227 – 28 November 1753 – entry 1

PC Register Citation George II v.14 (1 April 1752 – 31 December 1753) p.524–525: PC 2/103/524–525

[view](#)

APC Citation v.4 [223] p.227 – 25 February 1755 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.157, 240, 312, 347–348: PC 2/104/157, 240, 312, 347–348

[view](#)

Colonial Courts

General Court – 10 April 1753

Participants

Jones, Churchill, gentleman (son of Roger Jones)

Jones, Roger (father of Churchill Jones)

Porter, Francis (deceased son of Jane Porter and father of Jane Porter)

Porter, Jane (daughter of Francis Porter)

Porter, Jane (deceased mother of Francis Porter)

Description

Land in dispute in Christchurch parish south of the river Rappahannock

Disposition

Affirmed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Jones v Porter)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Jones)	
	Counsel [Signed] W. Murray; A. Hume-Campbell	
	Library Law Library of Congress: Sir George Lee collection	view
Respondent's case	Case of the respondent (Porter)	
	Counsel [Signed] R. Henley; Al. Forrester	
	Library Law Library of Congress: Sir George Lee collection (2 copies of the respondent's case)	view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents See related entry (Jones &c. v. Porters) in Barton, *Virginia Colonial Decisions*, 2:B93–100.

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1755_01

Lidderdale v Chiswell

Virginia

Case Name Short Lidderdale v Chiswell

Case Name Long John Lidderdale and John Harmer v John Chiswell

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [263] p.286 – 25 February 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.349–350: PC 2/104/349–350

[view](#)

APC Citation v.4 [263] p.286 – 24 June 1755 – entry 2

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.439, 455–456: PC 2/104/439, 455–456

[view](#)

APC Citation v.4 [263] p.286 – 1 April 1758 – entry 3

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.131, 168: PC 2/105/131, 168

[view](#)

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.43–46, 92–93: PC 2/106/43–46, 92–93

[view](#)

Colonial Courts

General Court – 10 April 1754

Participants

Chamberlayne, Thomas (deceased partner of John Lidderdale and John Harmer)

Chiswell, John, merchant and planter

Hamersley, Hugh of Lincoln's Inn

Harmer, John, merchant, of Bristol (partner of Thomas Chamberlayne)

Lidderdale, John, merchant, of Bristol (partner of Thomas Chamberlayne)

Description

Not stated in *Acts of the Privy Council, Colonial Series*

Disposition

Reversed; plaintiffs are allowed to proceed to a new trial

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Lidderdale v Chiswell)

DOCUMENTATION

Printed Cases

Appellant's case Case of the appellant (Lidderdale)

Counsel [Signed] C. Yorke

Library British Library: (Hardwicke Papes) Additional Manuscripts 36217 f.199–200 (Includes manuscript notes on appellant's case and a separate page of manuscript notes, f.205)

[view](#)

Library Law Library of Congress: Sir George Lee collection

Respondent's case Case of the respondent (Chiswell)

Counsel [Signed] C. Pratt

Library British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.201–204 (Includes manuscript notes on respondent's case and a separate page of manuscript notes, f.205)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 13_1755_02

Dunbar v Custis

Virginia

Case Name Short Dunbar v Custis

Case Name Long Charles Dunbar v Daniel Parke Custis

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [270] p.288–289 – 3 April 1755 – entry 1

PC Register Citation George II v.15 (1 January 1754 – 31 December 1755) p.370: PC 2/104/370

[view](#)

APC Citation v.4 [270] p.289–290 – 30 June 1757 – entry 2

PC Register Citation George II v.16 (1 January 1756 – 31 December 1757) p.531, 534–537, 540: PC 2/105/531, 534–537, 540

[view](#)

Colonial Courts

Virginia Chancery – 10 April 1754

Participants

Byam, Samuel (executor of Governor Parke)

Byrd, Lucy (presumed deceased daughter of Governor Parke and mother of Wilhelmina Chamberlain)

Chamberlain, Thomas (husband of Wilhelmina Chamberlain)

Chamberlain, Wilhelmina (daughter of Lucy Byrd and wife of Thomas Chamberlain)

Chester, Catherine (mother of Lucy Chester Dunbar Parke)

Custis, Daniel Parke (son of and executor to John Custis)

Custis, Frances Parke (presumed deceased daughter of Governor Parke and wife of John Custis)

Custis, John (deceased husband of Frances Parke Custis)

Dunbar, Charles, esquire, of Antigua (acting executor of Thomas Dunbar Parke)

Long, Thomas (trustee)

MacKinnen, William (executor of Thomas Dunbar Parke)

Parke, Daniel (son of Thomas Dunbar Parke and Lucy Chester Dunbar Parke)

Parke, Elizabeth (daughter of Thomas Dunbar Parke and Lucy Chester Dunbar Parke)

Parke, Governor (deceased father of Frances Parke Custis and Lucy Byrd)

Parke, Julius Caesar (godson of Governor Parke)

Parke, Lucy (daughter of Thomas Dunbar Parke and Lucy Chester Dunbar Parke)

Parke, Lucy Chester Dunbar (widow and executor of Thomas Dunbar Parke and daughter of Catherine Chester)

Parke, Thomas Dunbar (deceased husband of Lucy Chester Dunbar Parke)

Perry, Micaiah (executor of Governor Parke)

Perry, Richard (executor of Governor Parke)

Redwood, Abraham (executor of Governor Parke)

Rodney, Caesar (trustee)

Sydcerf, Dr. Walter (executor of Thomas Dunbar Parke)

Warner, Ashton (executor of Thomas Dunbar Parke)

Description

Estate dispute

Disposition

Reversed; the plaintiffs are allowed to amend the bill by adding the proper parties

Notes

Daniel Parke Custis became the husband of Martha Dandridge, who after his death married George Washington. As reported in Fleming, *Intimate Lives of the Founding Fathers*, p.20, Custis was the grandson of Governor Parke. This suit was brought on behalf of Gov. Parke's illegitimate daughter Lucy in Antigua.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Dunbar v Custis)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Dunbar)	ESTC: N474424
Counsel	[Signed] Robert Henley; Al. Forrester	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.161–164 (Includes manuscript notes on the appellant's case and separate pages of manuscript notes, f.169–171)	view
Library	Law Library of Congress: Sir George Lee collection (Includes manuscript notes. 2 copies) (Noted in ESTC? No.)	view
Library	New York Public Library. Schwarzman Building: Rare Book Collection *KF+ 1757 (Northington, R.H.	

Virginia) (Includes manuscript notes) (Noted in ESTC? Yes.)

Respondent's case

Case of the respondent (Custis)

Counsel

[Signed] C. Yorke; Cha. Pratt

Library

British Library: (Hardwicke Papers) Additional Manuscripts 36217 f.165–168 (Includes manuscript notes on the respondent's case and separate pages of manuscript notes, f.169–171)

[view](#)

Library

Law Library of Congress: Sir George Lee collection

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 13_1759_01

Nelson v Ambler

Virginia

Case Name Short Nelson v Ambler

Case Name Long William Nelson and Francis Whiting v Richard Ambler

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [377] p.403 – 2 February 1759 – entry 1

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.355, 366 *recte* 355–356: PC 2/106/355, 366 *recte* 355–356

[view](#)

Colonial Courts

Court at Williamsburgh – 10 October 1751

Participants

Ambler, Richard, collector of customs in the port of York River

Black, William, merchant

Gale, William, merchant

Hutchinson, John, bankrupt

Janson, Joseph (assignee of estate and effects of John Philpot and John Hutchinson)

Nelson, William

Philpot, John, bankrupt

Pomeroy, Bartholomew (assignee of estate and effects of John Philpot and John Hutchinson)

Symon, Henry, solicitor of H.M. Customs (appears for Richard Ambler)

Whiting, Francis

Vessels

Elizabeth of Nantes

Banstead

Neptune

Richmond

Description

Dispute over duties payable on a French prize, the *Elizabeth*, and her cargo, brought into the York River by the privateers *Banstead*, *Neptune*, and *Richmond*

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1759_02

Burwell v Johnson

Virginia

Case Name Short Burwell v Johnson

Case Name Long Lewis and Frances Burwell v Philip and Elizabeth Johnson

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [388] p.417–418 – 14 April 1759 – entry 1

PC Register Citation George II v.17 (1 January 1758 – 21 May 1759) p.487: PC 2/106/487

[view](#)

APC Citation v.4 [388] p.418 – 5 April 1762 – entry 2

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.130–135, 168: PC 2/109/130–135, 168

[view](#)

Colonial Courts

General Court – 10 April 1758

Participants

Allen, Elizabeth (daughter of the elder James Bray)

Bray, James (deceased grandfather of the younger James Bray and father of Elizabeth Allen and Thomas Bray)

Bray, James (deceased former husband of Frances Burwell and grandson of the elder James Bray)

Bray, Thomas (deceased son of the elder James Bray and father of Elizabeth Johnson)

Burwell, Carter (executor of the younger James Bray)

Burwell, Frances (wife of Lewis Burwell and widow and executor of the younger James Bray)

Burwell, Lewis, gentleman, of county of James City (husband of Frances Burwell and executor of the younger James Bray)

Johnson, Elizabeth (wife of Philip Johnson and daughter of Thomas Bray)

Johnson, Philip (husband of Elizabeth Johnson)

Thacker, Edwin (father of Frances Burwell and executor of the younger James Bray)

Description

Accounting and delivery of slaves belonging to James Bray upon his death

Disposition

Affirmed

Notes

Slaves at issue.

References in *Smith, Appeals to the Privy Council from the American Plantations*

Table of Cases (Burwell et ux v Johnson et ux)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Burwell)	
	Counsel [Signed] C. Pratt; C. Yorke	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.138–141 (Includes manuscript notes)	view
Respondent's case	Case of the respondent (Johnson)	
	Counsel [Signed] Wm. DeGrey; Al. Forrester	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.142–143 (Manuscript notes limited to ‘Mr. Att. Gen.’ on dorse)	view

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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Appeals to the Privy Council

Report No. 13_1760_00

Tabb v Edmundson
Edmundson v Tabb

Virginia

Case Name Short Tabb v Edmundson
Edmundson v Tabb

Case Name Long William, Martha and Humphrey Toy Tabb v Thomas Edmundson and John Edmundson
Thomas Edmundson and John Edmundson v William, Martha and Humphrey Toy Tabb

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [416] p.443 – 16 February 1760 – entry 1

PC Register Citation George II v.18 (2 May 1759 – 10 July 1760) p.256–257: PC 2/107/256–257

[view](#)

APC Citation v.4 [416] p.443 – 5 April 1760 – entry 2

PC Register Citation George II v.18 (2 May 1759 – 10 July 1760) p.310, 330, 347, 399: PC 2/107/310, 330, 347, 399

[view](#)

APC Citation v.4 [416] p.443 [416] – 12 April 1762 –entry 3

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.203: PC 2/109/203

[view](#)

APC Citation v.4 [416] p.443 – 21 December 1763 – entry 4

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.172–176, 192: PC 110/172–176, 192

[view](#)

Colonial Courts

Chancery – 10 April 1758

Chancery – 2 October 1758

Participants

Allaman, John (deceased son of Thomas Allaman and brother of Thomas Allaman and William Allaman)

Allaman, Sarah (deceased daughter of William Allaman and Ann Allaman Tabb)

Allaman, Thomas (deceased father of Judith Edmundson and John, Thomas, and William Allaman)

Allaman, Thomas (deceased son of Thomas Allaman, also deceased, and brother of John Allaman and William Allaman)

Allaman, Thomas (deceased son of William Allaman and Ann Allaman Tabb and grandson of Thomas Allaman)

Allaman, William (deceased husband of Ann Allaman Tabb, brother of John Allaman and Thomas Allaman, son of Thomas Allaman, and father of Thomas and Sarah Allaman)

Blacknall, Charles

Booth, Thomas

Edmundson, John, merchant, of Essex county (son of Judith Allaman Edmundson and brother of Thomas Edmundson)

Edmundson, Judith Allaman (daughter of Thomas Allaman and mother of Thomas Edmundson and John Edmundson)

Edmundson, Thomas, merchant, of Essex county (son of Judith Allaman Edmundson and brother of John Edmundson)

Hyndman, John, merchant, of London

Page, John

Palmer, Charlton, gentleman, merchant, of London

Tabb, Ann Allaman (widow of William Allaman; wife of John Tabb; mother of Thomas Allaman, Sarah Allaman, Humphrey Tabb, and Martha Tabb)

Tabb, Humphrey Toy (son of John and Ann Allaman Tabb and brother of Martha Tabb)

Tabb, John (husband of Ann Allaman Tabb)

Tabb, Martha (daughter of John and Ann Allaman Tabb and sister of Humphrey Tabb)

Tabb, William (relationship unclear)

Whiting, Francis

Description

Estate dispute

Disposition

Chancery decrees reversed; Edmundsons' appeal dismissed; restitution ordered

Notes

Property includes slaves.

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Tabb v Edmundson)

Printed Cases

Appellant's case	Case of the appellant (Tabb)	
Counsel	[Signed] F. Norton; C. Ambler	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.248–249 (Includes manuscript notes)	view
Respondent's case	Case of the appellant (Edmundson as appellant in a cross-appeal)	
Counsel	[Signed] C. Yorke; Al. Forrester	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.250–251 (Includes manuscript notes)	view
Privy Council Documents in PC 1 at The National Archives at Kew		
TNA Document	Committee report – 15 Dec. 1763 – PC 1/50/49	view_Document
Notes about Document	Referenced in APC, v.6 [579] p.359–360. The report is described as being on the appeal of Tabb and also upon the cross-appeal of Edmundson.	view_APC
Other Documents		
Other Documents	See related entry (as Edmondson v Tabb) and opinion by Barradall in Barton, <i>Virginia Colonial Decisions</i> , 2:B359–B363, B31–B32.	

view this report for printing

Appeals to the Privy Council

Report No. 13_1762_01

Camm v William and Mary College
Graham v William and Mary College

Virginia

Case Name Short Camm v Rector, Visitors and Governors of William and Mary College
Graham v Rector, Visitors and Governors of William and Mary College

Case Name Long Rev. John Camm v Rector, Visitors and Governors of William and Mary College
Rev. Richard Graham v Rector, Visitors and Governors of William and Mary College

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [473] p.530 – 15 February 1762 – entry 1

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.75, 76: PC 2/109/75, 76 [view](#)

APC Citation v.4 [473] p.530 – 16 March 1763 – entry 2

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.521–522, 522–523, 534, 535: PC 2/109/521–522, 522–523, 534, 535 [view](#)

Colonial Courts

General Court – 10 October 1759

Participants

Camm, Rev. John, Professor of Divinity at William and Mary College
Fauquier, Francis, Lieutenant Governor and judge of General Court
Graham, Rev. Richard, Professor of Natural Philosophy at William and Mary College
Rectors, Visitors and Governors of William and Mary College

Description

Issue is the removal of Revs. Camm and Graham from their professorships

Disposition

Both appeals sustained.

Notes

Camm spelled in error in the *APC* as Camin.

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellants (Camm) and (Graham)	ESTC: T222030, T222034
Counsel	[Signed] Fl. Norton; E. Willes	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.223–224 (Camm) (Noted in ESTC? No.)	view
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.227–228 (Graham) (Noted in ESTC? No.)	view
Library	Lambeth Palace Library: Seeker Papers, American 1721–1765 v.1 f.56–57 (Camm); f.60–61 (Graham) (Manuscript notes on Camm's printed case are limited to day and time and "His Grace Lord Archbishop of Canterbury.") (Noted in ESTC? Yes.)	
Respondent's case	Case of the respondent (Rector . . . in both Camm and Graham)	ESTC: T222032, T222035
Counsel	[Signed] C. Yorke; Al. Forrester	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.225–226 (Camm); f.229–230 (Graham)	view
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.229–230 (Graham) (Noted in ESTC? No.)	view
Library	Lambeth Palace Library: Seeker Papers, American 1721–1765 v.1 f.58–59 (Camm); f.62–63 (Graham) (Noted in ESTC? Yes.)	

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Committee report (Camm) – 12 Mar. 1763 – PC 1/50/48	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [552] p.353	view_APC
TNA Document	Committee report (Graham) – 12 Mar. 1763 – PC 1/50/48	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [552] p.353	view_APC

Other Documents

Other Documents	At Lambeth Palace Library, supplementary manuscript material concerning the controversy can be found at f.26–55 and f.64–65 of the Seeker Papers, American 1721–1765, v.1. Manross, <i>Fulham Papers</i> , includes references to the Camm issue. Camm and Graham materials at Lambeth can be found in Lambeth Palace Library,
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Appeals to the Privy Council

Report No. 13_1762_02

Rickards v Hudson

Virginia

Case Name Short Rickards v Hudson

Case Name Long Samuel Rickards, Archibald Maclane, Israel Mauduit, Edmund Lardner, William Cooke, Francis Jerdone, Robert Duncanson and Ann Buchanan v John and Ann Hudson, William and Martha Johnson, Roger Gregory, Orlando Jones, Rolling Jones and Francis Barber Jones

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [475] p.531 – 9 April 1762 – entry 1

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.196–197: PC 2/109/196–197

[view](#)

APC Citation v.4 [475] p.531–532 – 3 August 1762 – entry 2

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.288–293, 326: PC 2/109/288–293, 326

[view](#)

Colonial Courts

General Court of Chancery – 10 April 1761

Participants

Barber, Mary (niece of Elizabeth Milner)
Barber, Mr. (a deceased husband of Anna Maria Timson Barber Scarborough Thornton)
Buchanan, Ann, widow, of Glasgow in North Britain (executor of Neil Buchanan)
Buchanan, George, bankrupt merchant, late of London (executor of Neil Buchanan)
Buchanan, James, merchant, of London
Buchanan, Neil, esquire, of London, deceased
Cooke, William, merchant, of London (assignee of the estate and effects of George Buchanan and William Hamilton)
Duncanson, Robert, merchant, of Virginia
Goslin, William (executor of Elizabeth Milner)
Gregory, Roger (executor of Lane Jones)
Hamilton, William, bankrupt merchant, late of London (executor of Neil Buchanan)
Hanbury, Mr.
Hudson, Ann (daughter of Lane Jones and wife of John Hudson)
Hudson, John (husband of Ann Hudson)
Jerdone, Francis, merchant, of Virginia
Johnson, Martha (daughter of Lane Jones and wife of William Johnson)
Johnson, William (husband of Martha Johnson)
Jones, Francis Barber (daughter of Lane Jones)
Jones, Lane (deceased father of Ann Hudson, Martha Johnson, and Orlando, Rolling, and Francis Barber Jones)
Jones, Lane (possibly the deceased son of Lane Jones)
Jones, Orlando (son of Lane Jones)
Jones, Rolling (son of Lane Jones)
Keys, Maurice (executor of Elizabeth Milner)
Lardner, Edmund, merchant, of London (assignee of the estate and effects of George Buchanan and William Hamilton)
Maclane, Archibald, merchant, of London (assignee of the estate and effects of George Buchanan and William Hamilton)
Manly, Mr.
Mauduit, Israel, merchant, of London (assignee of estate and effects of George Buchanan and William Hamilton)
Milner, Elizabeth of the Strand in London (deceased aunt of William Timson and Mary Barber)
Palmer, Charlton
Rickards, Samuel, merchant, of London (assignee of the estate and effects of George Buchanan and William Hamilton)
Robothan, Charles (son of Walter Robothan)
Robothan, Sarah (widow of Walter Robothan)
Robothan, Walter (deceased executor of Elizabeth Milner, father of Charles and Walter Robothan, and husband of Sarah Robothan)
Robothan, Walter (son of Walter Robothan)
Scarburgh, Col. Edmund (husband of Anna Maria Timson Barber Scarborough Thornton)
Thornton, John (another husband of Anna Maria Timson Barber Scarborough Thornton)
Thornton, Anna Maria Timson Barber Scarborough (wife of William Timson, then William Barber, then Edmund Scarburgh, and then John Thornton)
Timson, Samuel (alias John) (son of William Timson)
Timson, William (The number of William Timsons mentioned is unclear.)

Description

Debt that, according to Smith (p.490), raises the question of the extension of the bankruptcy acts to Virginia

Disposition
Reversed

Notes
Spelling of Rolling Jones is more often Rowland, Roland, or Rolando. Francis Barber Jones is more properly Frances. The Jones, Timson, and Barber families are related by blood and marriage. See Cary, “Descendants of Rev. Rowland Jones.”

References in Smith, *Appeals to the Privy Council from the American Plantations*
Table of Cases (Rickards et al v Hudson et al)

DOCUMENTATION

Printed Cases

Appellant’s case	Case of the appellant (Rickards)	
Counsel	[Signed] C. Yorke; Al. Forrester	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.199–201 and f.202–204 (Two copies, both with manuscript notes)	view
Respondent’s case	Case of the respondent (Hudson)	
Counsel	[Signed] Tho. Sewell; Wm. DeGrey	
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36218 f.205–206	view
Privy Council Documents in PC 1 at The National Archives at Kew		
TNA Document	Committee report – 15 July 1762 – PC 1/50/47	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [539] p.339	view_APC
Other Documents		
Other Documents	The cases of Timson v Robertson and Scarbury & ux. v Barber’s Ex’or in Barton, <i>Virginia Colonial Decisions</i> , 2:B85–B87, B294–304, involve members of some of the families involved in this case, and probably some of the same people. Whether the issues are otherwise related requires further exploration.	

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1763_01

Cleeve v Mills

Virginia

Case Name Short Cleeve v Mills

Case Name Long Richard Cleeve and John Hinde v James Mills, William Bird, John Robinson, Richard Bland, William Jordan, Presly Thornton and James Power

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [502] p.557 – 23 February 1763 – entry 1

PC Register Citation George III v.2 (1 January 1762 – 30 April 1763) p.506: PC 2/109/506

[view](#)

APC Citation v.4 [502] p.557 – 3 August 1764 – entry 2

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.570–574, 598: PC 2/110/570–574, 598

[view](#)

Colonial Courts

Virginia Chancery – 10 October 1761

Participants

Beverley, William

Bird, William

Bland, Richard

Cleeve, Richard (assignee of the estate and effects of Pearson Pettit)

Dolby, Charles

Garland, James

Hanbury, Capel

Hanbury, John

Hinde, John (assignee of the estate and effects of Pearson Pettit)

Hitt, Thomas

Jordan, William

Mills, James

Nelson, Thomas

Nelson, William

Pettit, John

Pettit, Pearson, bankrupt merchant, late of London

Power, James

Robinson, John

Rybott, Francis

Thornton, Presly

Description

Debt that, according to Smith (p.492), raises the question of the extension of the bankruptcy acts to Virginia

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Cleeve v Mills)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Cleeve)	ESTC: T128996	
Counsel	[Signed] C. Yorke; Al. Forrester		
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.85–88 (Includes manuscript notes) (Noted in ESTC? No.)		view
Library	British Library: General Reference Collection – L.3.a.1[vol.13] (134) (Bound with appeals to the House of Lords. The ESTC record states in error that the appeal was to that body.) (Noted in ESTC? Yes.)		
Respondent's case	Case of the respondent (Mills)	ESTC: T129014	
Counsel	[Signed] Flr. Norton; C. Ambler		
Library	British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.89–93 (Includes manuscript notes) (Noted in ESTC? No.)		view
Library	British Library: General Reference Collection – L.3.a.1[vol.13] (135) (Includes manuscript notes. Bound with appeals to the House of Lords. The ESTC record states in error that the appeal was to that body.) (Noted in ESTC? Yes.)		view

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Report of the Board of Trade – July 1764 – PC 1/59/5/1	view_Document
Catalogued as	Catalogued by TNA: Report of Board of Trade for dismissing appeal of Cleeve v Mills	
TNA Document	Draft order dismissing the appeal of Cleeve v Mills and others – July 1764 – PC 1/59/5/1	view_Document
Catalogued as	Catalogued by TNA: Draft order dismissing appeal of Cleeve v Mills and others from Virginia	
		view this report for printing

Appeals to the Privy Council

Report No. 13_1763_02

Steuart v Buchanan

Virginia

Case Name Short Steuart v Buchanan

Case Name Long Charles Steuart v Thomas Buchanan et al

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [510] p.562–563 – 15 June 1763 – entry 1

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.36–37: PC 2/110/36–37

[view](#)

APC Citation v.4 [510] p.563 – 21 December 1763 – entry 2

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.180–181, 194: PC 2/110/180–181, 194

[view](#)

Colonial Courts

Court for Hanover County – 2 August 1759

General Court – 10 April 1762

Participants

Buchanan, Thomas, merchant of Hanover county

Dickenson, William, merchant, late of Newcastle in Hanover county

Green, William, merchant, late of Newcastle in Hanover county

Smith, John, merchant, late of Newcastle in Hanover county

Steuart (Steward), Charles, merchant of Portsmouth county

Description

Voided mortgage

Disposition

Dismissed

Notes

The Committee report reveals that the appeal was dismissed for non-prosecution. In addition to land, slaves were also at issue in this appeal.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 15 Dec. 1763 – PC 1/50/49

[view_Document](#)

Referenced in *APC*, v.6 [579] p.359–360

[view_APC](#)

[view this report for printing](#)

TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 13_1763_03

Howlett v Osburne (Howlett v Doe)

Virginia

Case Name Short Howlett v Doe
Howlett v Osburne

Case Name Long Thomas Howlett v John Doe on the demise of Thomas Osburne

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [519] p.568–569 – 31 August 1763 – entry 1

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.89: PC 2/110/89

APC Citation v.4 [519] p.569 – 26 July 1765 – entry 2

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.300, 307: PC 2/111/300, 307

[view](#)

[view](#)

Colonial Courts

Unnamed – 10 October 1760
General Court – 10 April 1762

Participants

Doe, John
Howlett, Thomas
Osburne, Thomas

Description

Land dispute (action of ejectment) in the parish of Dale in the county of Henrico; according to Smith (p.512), the question relates to the validity of the docking of the entail and a subsequent conveyance.

Disposition

Reversed

Notes

There can be little doubt that John Doe and the lease to him are fictional. On this and on the action of ejectment involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Howlett v Osburn)

DOCUMENTATION

Printed Cases

Appellant's case	Case of the appellant (Howlett)	
	Counsel [Signed] C. Yorke; C. Ambler	
	Note The repondent's name is spelled Osburn on both the appellant's and the respondent's printed cases.	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.273–276 (Includes manuscript notes)	view
Respondent's case	Case of the respondent (Osburne)	
	Counsel [Signed] Fl. Norton; Al. Forrester	
	Note The respondent's name is spelled Osburn on both the appellant's and the respondent's printed cases.	
	Library British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.277–278 (Includes manuscript notes)	view
Privy Council Documents in PC 1 at The National Archives at Kew		
TNA Document	Committee report – 18 July 1765 – PC 1/51/56	view_Document
	Notes about Document Referenced in <i>APC</i> , v.6 [667] p.403	view_APC

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Appeals to the Privy Council

Report No. 13_1763_04

Parsons v Parsons (Doe v Parsons)

Virginia

Case Name Short Doe v Parsons
Parsons v Parsons

Case Name Long John Doe on the demise of John Parsons v William Parsons

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [531] p.613 – 19 December 1763 – entry 1

PC Register Citation George III v.3 (1 May 1763 – 30 September 1764) p.190: PC 2/110/190 [view](#)

APC Citation v.4 [531] p.613 – 19 March 1765 – entry 2

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.162–163: PC 2/111/162–163 [view](#)

APC Citation v.4 [531] p.613 – 26 July 1765 – entry 3

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.299, 306–307: PC 2/111/299, 306–307 [view](#)

Colonial Courts

Unnamed – 10 October 1759
General Court – 10 April 1763

Participants

Doe, John (lessee)
Parsons, John
Parsons, William
Sharpe, Joshua of Lincoln’s Inn (appears for William Parsons)
Thomas, William ap, deceased

Description

Land dispute (bill of ejectment) over an orchard

Disposition

Reversed

Notes

There can be little doubt that John Doe and the lease to him are fictional. On this and on the bill of ejectment involved here, see [Additional Research](#).

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Parsons v Parsons)

DOCUMENTATION

Printed Cases

Appellant’s case		Case of the appellant (Parsons)	
Counsel		[Signed] C. Yorke; Al. Forrester	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.269–270 (Manuscript notes limited to counsel names on dorse)	view
Respondent’s case		Case of the respondent (Parsons)	
Counsel		[Signed] Fl. Norton; Wm. DeGrey	
Library		British Library: (Hardwicke Papers) Additional Manuscripts 36219 f.271–272	view

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Committee report – 18 July 1765 – PC 1/51/56	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [667] p.403	view_APC

Other Documents

Other Documents	The Joshua Sharpe papers in the collection of Thomas Phillipps at the Library of Congress, Division of Manuscripts, contain legal papers related to this appeal.
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Appeals to the Privy Council

Report No. 13_1765_01

Camm v Hansford

Virginia

Case Name Short Camm v Hansford

Case Name Long Rev. John Camm v Charles Hansford, jun., and William Moss

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [588] p.699 – 6 February 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.89, 95: PC 2/111/89, 95

[view](#)

APC Citation v.4 [588] p.699 – 3 December 1765 *recte* 1766 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.96–97, 113: PC 2/112/96–97, 113

[view](#)

Colonial Courts

General Court of Williamsburgh – 10 April 1764

Participants

Camm, Rev. John, minister of the parish of Yorkhampton

Hansford, Charles, jun.

Moss, William

Description

Recovery of value of tobacco, as salary

Disposition

Dismissed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Camm v Hansford and Moss, also as Parsons' Cause) (extensive discussion)

DOCUMENTATION

Printed Cases

Appellant's case Case of the appellant (Camm) ESTC: T222031

Counsel [Signed] Fl. Norton; E. Willes

Note Appellant's name is spelled Cam in appellant's printed case.

Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.52–54 (Includes manuscript notes and separate pages of manuscript notes, f.61–64) (Noted in ESTC? No.)

[view](#)

Library Lambeth Palace Library: Seeker Papers, American 1721–1765 v.1 f.95–97 (Noted in ESTC? Yes.)

Respondent's case Case of the respondent (Hansford) ESTC: T222033

Counsel [Signed] C. Yorke; Wm. DeGrey

Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.55–58 (Includes manuscript notes and separate pages of manuscript notes, f.61–64) (Noted in ESTC? No.)

[view](#)

Library Lambeth Palace Library: Seeker Papers, American 1721–1765 v.1 f.98–101 (Noted in ESTC? Yes.)

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document Committee report – 27 Nov. 1766 – PC 1/52/58

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [731] p.440

[view_APC](#)

Other Documents

Other Documents At British Library, Additional Manuscripts 36220 f.59–60 is a manuscript extract of an Order in Council of 7 March 1753 approving a report made by the lords of the Committee of Council dated 1 March 1753.

[view](#)

Other Documents Note also additional manuscript material at Lambeth Palace in the Seeker Papers, American 1721–1765, v.1, f.66–94, described in Manross, *Fulham Papers*. The Camm materials at Lambeth can be found in Lambeth Palace Library, *Miscellaneous American Material*, Reel 5 Part C.

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Appeals to the Privy Council

Report No. 13_1765_02

Wilson v Darrell

Virginia

Case Name Short Wilson v Darrell

Case Name Long Thomas Wilson, William and Anne Huggins, John Wilson, William Wilson, Isaac and Elizabeth Hobday v Sampson Darrell, George and Elizabeth Turner, William and Ann Sansom, John and Elizabeth Noble, and William Slaughter

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [613] p.727 – 10 July 1765 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.261, 280–281: PC 2/111/261, 280–281

[view](#)

APC Citation v.4 [613] p.727 – 8 March 1769 – entry 2

PC Register Citation George III v.6 (January 1768 – April 1769) p.468: PC 2/113/468

[view](#)

APC Citation v.5 [280] p.390 – 31 December 1773 – entry 3 (The *APC* does not list this entry with the rest of 13_1765_02.)

PC Register Citation George III v.10 (January 1773 – April 1774) p.371–372, 389–390: PC 2/117/371–372, 389–390

[view](#)

Colonial Courts

Chancery – 11 April 1763

Participants

Almond, Jane (wife of Lewis Almond)

Almond, Lewis (husband of Jane Almond)

Darrell, Sampson (the elder, presumed deceased)

Darrell, Sampson (the younger)

Hobday, Elizabeth (wife of Isaac Hobday)

Hobday, Isaac (husband of Elizabeth Hobday)

Huggins, Anne (wife of William Huggins)

Huggins, William (husband of Anne Huggins)

Noble, Elizabeth (wife of John Noble)

Noble, John (husband of Elizabeth Noble)

Sansom, Ann (wife of William Sansom)

Sansom, William (husband of Ann Sansom)

Slaughter, William

Turner, Elizabeth (wife of George Turner)

Turner, George (husband of Elizabeth Turner)

Walton, Mr. of Girdlers Hall in Basinghall Street (appears for respondents)

Wilson, John

Wilson, Thomas

Wilson, William

Description

“to account . . . for all the personal estate of Sampson Darrell, the elder . . . and deliver the real estate to the respondents,” according to the *APC*

Disposition

Dismissed

Notes

The petition reveals that slaves are part of the property at issue.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document	Petition of Wilson – 10 July 1765 – PC 1/51/54	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [665] p.403	view_APC
TNA Document	Order of reference – 10 July 1765 – PC 1/51/54	view_Document
Notes about Document	Referenced in <i>APC</i> , v.6 [665] p.403	view_APC

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Appeals to the Privy Council

Report No. 13_1766_00

Corbin v Lomax

Virginia

Case Name Short Corbin v Lomax

Case Name Long Gawen Corbin by Lettice Corbin v Lunsford Lomax and Aminadab Seekright

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.4 [656] p.767–768 – 2 July 1766 – entry 1

PC Register Citation George III v.4 (1 October 1764 – 27 August 1766) p.686: PC 2/111/686

[view](#)

APC Citation v.4 [656] p.768 – 26 June 1767 – entry 2

PC Register Citation George III v.5 (August 1766 – January 1768) p.317–318, 318–319, 356, 357: PC 2/112/317–318, 318–319, 356, 357

[view](#)

Colonial Courts

General Court – 26 April 1764 (multiple judgments)

Participants

Corbin, Gawen, a minor

Corbin, Lettice (guardian of Gawen Corbin)

Lomax, Lunsford

Lunsford, Sir Thomas, Kt. and Bart.

Seekright, Aminadab (lessee of Lunsford Lomax)

Description

Land dispute on the lower side of Portobago creek. Island and lands on Rappanhannock River also mentioned.

Disposition

Affirmed

References in Smith, *Appeals to the Privy Council from the American Plantations*

Table of Cases (Corbin v Lomax)

DOCUMENTATION

Printed Cases

Appellant's case

Case of the appellant (Corbin)

Counsel [Signed] C. Yorke; Al. Wedderburn

Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.117–119 (Includes manuscript notes)

[view](#)

Library Columbia University. Diamond Law Library: Treasure – Johnson 1770m and 2nd Fl Microfilm Cabinet – AA70 (Includes manuscript notes)

[view](#)

Respondent's case

Case of the respondent (Lomax)

Counsel [Signed] Wm. DeGrey; Al. Forrester

Library British Library: (Hardwicke Papers) Additional Manuscripts 36220 f.120–121 (Includes manuscript notes)

[view](#)

Privy Council Documents in PC 1 at The National Archives at Kew

TNA Document

Committee reports (Report 1) – 10 June 1767 – PC 1/53/60

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [761] p.453–454

[view_APC](#)

TNA Document

Committee reports (Report 2) – 10 June 1767 – PC 1/53/60

[view_Document](#)

Notes about Document Referenced in *APC*, v.6 [761] p.453–454

[view_APC](#)

[view this report for printing](#)

Appeals to the Privy Council

Report No. 13_1768_01

Dixon v Turner

Virginia

Case Name Short Dixon v Turner

Case Name Long Edward Dixon and Harry Dixon and Turner Dixon v Thomas Turner by Thomas Jett, guardian, and Harry Turner by Anthony Thornton, guardian, Walker and Sally Turner Taliaferro, and Thomas Jett, John Skinker and Joseph Murdock

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [64] p.128–129 – 23 March 1768 – entry 1

PC Register Citation George III v.6 (January 1768 – April 1769) p.110, 164, 208: PC 2/113/110, 164, 208

[view](#)

APC Citation v.5 [64] p.129 – 6 July 1770 – entry 2

PC Register Citation George III v.7 (May 1769 – December 1770) p.299–308, 449–450: PC 2/114/299–308, 449–450

[view](#)

Colonial Courts

General Court – 10 April 1764

General Court – 10 October 1766

Participants

Betty, a slave

Dixon, Edward, gentleman (widower of Sarah Turner Dixon and father of Harry Dixon and Turner Dixon)

Dixon, Harry (grandson of Col. Thomas Turner, son of Edward and Sarah Turner Dixon, and brother of Turner Dixon)

Dixon, Sarah Turner (deceased wife of Edward Dixon, daughter of Col. Thomas Turner, and mother of Harry Dixon and Turner Dixon)

Dixon, Turner (grandson of Col. Thomas Turner, son of Edward and Sarah Turner Dixon, and brother of Harry Dixon)

Jett, Thomas (guardian of Thomas Turner, the respondent, and executor of Thomas Turner)

Mariah, a slave

Murdock, Joseph (executor of Thomas Turner)

Skinker, John (executor of Thomas Turner)

Smith, Nicholas (father of Elizabeth Smith Turner)

Smith, Nicholas (brother of Elizabeth Smith Turner)

Taliaferro, Sally Turner (wife of Walker Taliaferro, daughter of Thomas Turner and granddaughter of Col. Thomas Turner)

Taliaferro, Walker (husband of Sally Turner Taliaferro)

Thornton, Anthony (guardian of Harry Turner)

Turner, Elizabeth Smith (widow of Harry Turner, the son of Col. Thomas Turner, and mother of Thomas Turner, the respondent)

Turner, Harry (deceased son of Col. Thomas Turner and husband of Elizabeth Smith Turner)

Turner, Harry (son of Thomas Turner and grandson of Col. Thomas Turner)

Turner, Col. Thomas of King George county (deceased father of Thomas Turner, Harry Turner, and Sarah Turner Dixon and grandfather of Harry Turner, Sally Turner Taliaferro, Thomas Turner, Harry Dixon, and Turner Dixon)

Turner, Thomas (deceased son of Col. Thomas Turner and father of Harry Turner and Sally Turner Taliaferro)

Turner, Thomas (son of Harry Turner and Elizabeth Smith Turner and grandson of Col. Thomas Turner)

Description

At issue the estate of Col. Thomas Turner

Disposition

Reversed in part with directions given for taking accounts

Notes

Property includes slaves.

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Report of committee re Dixon v Turner and others – Apr. 1770 – PC 1/60/7

[view_Document](#)

TNA Document

Catalogued as

Catalogued by TNA: Report of committee on appeal of Dixon v Turner and others

Appeals to the Privy Council

Report No. 13_1768_02

Hiscox v Hill

Virginia

Case Name Short Hiscox v Hill

Case Name Long John Hiscox v Humphrey Hill

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [88] p.172 – 7 October 1768 – entry 1

PC Register Citation George III v.6 (January 1768 – April 1769) p.348: PC 2/113/348

[view](#)

APC Citation v.5 [88] p.172 – 9 January 1771 – entry 2

PC Register Citation George III v.7 (May 1769 – December 1770) p.13, 685–686: PC 2/114/13, 685–686

[view](#)

PC Register Citation George III v.8 (January – December 1771) p.19–20: PC 2/115/19–20

[view](#)

Colonial Courts

Chancery – 10 October 1767

Participants

Anderson, Matthew

Braxton, George, presumed deceased

Guest, Samuel

Hill, Humphrey (executor of George Braxton)

Hiscox, John, merchant, of London

Reynolds, Thomas

Robertson or Robinson, John

Description

Sums due to executor

Disposition

Dismissed

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Committee report – 20 Dec. 1770 – PC 1/54/66C

[view_Document](#)

Referenced in *APC*, v.6 [840] p.484

[view_APC](#)

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TNA Document

Notes about
Document

Appeals to the Privy Council

Report No. 13_1771_00

Lee v Hunter

Virginia

Case Name Short Lee v Hunter

Case Name Long Philip Ludwell Lee v John Hunter

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [184] p.296 – 15 May 1771 – entry 1

PC Register Citation George III v.8 (January – December 1771) p.188: PC 2/115/188

[view](#)

APC Citation v.5 [184] p.296 – 7 June 1771 – entry 2

PC Register Citation George III v.8 (January – December 1771) p.260: PC 2/115/260

[view](#)

APC Citation v.5 [184] p.296 – 8 July 1772 – entry 3

PC Register Citation George III v.9 (January – December 1772) p.328–329, 367–368: PC 2/116/328–329, 367–368

[view](#)

PC Register Note The header in *APC*, v.5 for George III v.9 (January – December 1772) is erroneously labeled Volume X.

Colonial Courts

General Court – 3 May 1770

Participants

Hunter, John, merchant

Lee, Philip Ludwell

Description

Action of debt

Disposition

Dismissed

Notes

Cataloguing note in the ESTC says “Concerning a debt owed by Lee to a John Hanbury, London merchant, represented by Hunter, Virginia attorney.”

DOCUMENTATION

Printed Cases

Appellant’s case Case of the appellant (Lee)

ESTC: N478563

Counsel [Signed] J. Dunning

Library Yale University. Beinecke Rare Book and Manuscript Library: BrSides Cb4a 1772 (Noted in ESTC? Yes.)

[view](#)

Respondent’s case Case of the respondent (Hunter)

Note Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

Other Documents

Other Documents The Joshua Sharpe papers in the collection of Thomas Phillipps at the Library of Congress, Division of Manuscripts, contain a notice of hearing in this appeal.

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Appeals to the Privy Council

Report No. 13_1775_00

Taliaferro v Taliaferro

Virginia

Case Name Short Taliaferro v Taliaferro

Case Name Long Mary Taliaferro, Harry Taliaferro, William and Mildred Strother v Lawrence Taliaferro et al

Acts of the Privy Council, Colonial Series

[view_APC](#)

APC Citation v.5 [311] p.405 – 23 January 1775 – entry 1

PC Register Citation George III v.11 (May 1774 – May 1775) p.377: PC 2/118/377

[view](#)

Colonial Courts

General Court – 10 April 1773

Participants

Strother, Mildred (wife of William Strother)

Strother, William (husband of Mildred Strother)

Taliaferro, Harry (son of Kemp Taliaferro)

Taliaferro, Kemp (deceased husband of Mary Taliaferro)

Taliaferro, Lawrence

Taliaferro, Mary (widow and administratrix of Kemp Taliaferro)

Taliaferro, Zachary, deceased

Description

Action concerns the estate of Zachary Taliaferro

Disposition

Not stated in *Acts of the Privy Council, Colonial Series*

DOCUMENTATION

Printed Cases

Not found

Privy Council Documents in PC 1 at The National Archives at Kew

Not found

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